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Alameda-Contra Costa Transit District Oral History Series

Robert E. Nisbet

FROM PRIVATE TO PUBLICLY OWNED TRANSIT IN THE BAY AREA: REFLECTIONS OF THE ATTORNEY, LOBBYIST, AND GENERAL MANAGER OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, 1950s TO 1980s

With an Introduction by
Betty Barber

Interviews Conducted by
Laura McCreery
in 2000

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Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of northern California, the West, and the nation. Oral history is a method of collecting historical information through tape-recorded interviews between a narrator with firsthand knowledge of historically significant events and a well-informed interviewer, with the goal of preserving substantive additions to the historical record. The tape recording is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The corrected manuscript is indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and in other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

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Robert E. Nisbet

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Upbringing in San Diego and Beverly Hills, California; University of California, Berkeley, 1937-1941; Navy service during WWII; law school at George Washington University and Hastings College; deputy legislative counsel for California Attorney General, 1949; attorney with Edwards & Friborg; attorney with U.S. Department of Labor, San Francisco; attorney with Public Housing Administration, San Francisco; deputy city attorney of Oakland, California, 1953-1957; attorney and general manager of Alameda-Contra Costa Transit District, 1957-1984 (transition from privately owned Key Route transit system to publicly owned special transit district; writing Transit District Law of 1955; lobbying the California legislature; collective bargaining issues and labor strikes; forming the Regional Transit Association; relations with district board; interface with BART, Muni, and other California transit agencies; considerations for regional government; Transit Development Act of 1971; effects of Proposition 13 of 1978; bus safety and access issues for senior citizens, disabled passengers, drivers; affirmative action and other staff management issues; financial aspects of managing the district; lifelong interest in Democratic Party politics.

Introduction by Betty Barber.

Interviewed 2000 by Laura McCreery for the Alameda-Contra Costa Transit District Oral History Series, Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

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INTRODUCTION by Betty Barber

Robert Nisbet's life and mine have been intertwined since 1949, when he and Robert K. Barber, my former husband, were in the same class at Hastings College of the Law in San Francisco. Our friendship has continued to this day with some intriguing memories: both our families rode on the last ferryboat run from Berkeley to San Francisco and on the last train ride over the rails of the San Francisco-Oakland Bay Bridge in 1958, as well as traveling together to Guatemala and Mexico.

I talked recently with close friends who were law school classmates of Bob Nisbet's at Hastings. They are all former superior court judges in Alameda County, now retired, and have known Bob politically and socially throughout his career.

Judge Robert Kroninger recalls that Bob always had great enthusiasm for whatever he was doing. This enthusiasm pervaded his whole being. Kroninger said, "I can recall those large hands of Bob's moving about rapidly while he was describing a project or making an observation."

Judge Robert Bostick remembers that whatever task Bob Nisbet undertook, it was always done well and competently. "Bob was charming and great company," he added.

Judge Robert K. Barber remembers that Bob was always effective in getting people to agree and go forward to achieve a working goal. Furthermore, he was a very effective lobbyist, "one of the best."

It was during the creation and development of the Alameda-Contra Costa Transit District that Bob Nisbet's abilities and lobbying talent were put to effective use. In 1953, during the 76-day Key System strike, he was assigned from the city attorney's office in Oakland to work with other representatives from cities, counties, state agencies, and labor unions to come up with a solution to the floundering transportation situation.

Finally, a decision was made that a separate transportation agency was desperately needed. Bob worked successfully with the state legislature and other agencies, including labor unions and chambers of commerce, to see to it that enabling legislation was passed that created the first regional public transit district. In 1956 a successful election was held in the various cities of the district, and the Alameda-Contra Costa District was created, as well as the first board of directors. Bob Nisbet became the first employee of the district, the attorney/secretary, in 1957 before becoming the general manager in 1978.

As the wife of board president Bob Barber, who had been elected when the transit district was voted in, I had the fun of inaugurating the first bus to roll out by breaking a bottle of champagne (California, of course) onto it.

Interest in politics is an important part of Bob Nisbet's life. Early in 1942, when he worked as a congressional aide in the Washington office of Congressman John Tolan of Berkeley, several memorable incidents took place. The day Franklin Roosevelt declared war on the Japanese, Bob served as doorman at the gallery of the House of Representatives; he was one floor above the family gallery where Eleanor Roosevelt and her children were sitting. He never has forgotten that scene.

Congressman Tolan was conducting throughout California on the question of whether the possible relocation of Japanese-Americans to internment camps was appropriate.

Many years later when Mrs. Roosevelt was in San Francisco for a United Nations meeting, Bob and his daughter, Kathleen, introduced themselves to her, and he reminded her of the conference tea he had come to long ago at the White House. She remembered him as the young man who was in the office of "that fine Congressman Tolan" who held hearings on the question of relocating the Japanese-Americans. Kathleen thought the meeting with Mrs. Roosevelt so memorable an event that she wrote a story about it that was published in the San Francisco *Chronicle*.

Bob Nisbet is a man of many interests: travel (most recently to China), politics, activities with his four children and eleven grandchildren (from grammar school to college age), hiking, playing cards with friends and his grandchildren. He is an avid cameraman, news junkie, and music and theater-goer. He has lived fully at a time when his abilities were valuable to the community of the Bay Area.

Betty Barber

Mendocino, California
December 2001

INTERVIEW HISTORY by Laura McCreery

When the Alameda-Contra Costa Transit District contemplated a series of oral histories in the summer of 2000, the consensus among the planners was that interviews should begin with Robert E. Nisbet. As AC Transit's first employee, the attorney-secretary, Mr. Nisbet played a vital role in crafting the legislation that created the district and in many years of liaison with the state government in Sacramento. He also led the district as its general manager from 1978 to 1984.

Mr. Nisbet's response to the idea was enthusiastic, and we were able to start our oral history collaboration within weeks of our first phone conversation. By the end of November 2000, we had created 8.5 hours of interviews over the course of three months.

Upon arriving at the Nisbet home in North Berkeley for the first time, I encountered a tall and energetic figure with a ready laugh. In preparation for my visit, Mr. Nisbet had organized his files and photographs on the Key System and AC Transit into chronological piles around the edge of his large, oval dining room table. Some materials had sustained water damage while in storage in his attic, but most of them were usable and quite helpful. These items have since been slated for donation to AC Transit and The Bancroft Library.

My background research included many conversations with those who had worked with Bob Nisbet over the years. One of the most delightful of these was Dorothy C. Massie, who helped him start AC Transit's first administrative office in the Oakland courthouse and who remains his dear friend today. She was newly arrived from the state of Virginia in 1957, and she remembers both the excitement and the frustration of starting off in a gloomy room that held nothing but two desks. Mr. Nisbet would bring in boxes of Key System documents and correspondence "in complete disorder," and she created filing and bookkeeping systems. "He's a wonderful man and I love him dearly," she told me by phone, "but he is not neat!"

"We were very good friends," Ms. Massie added. "He had an easygoing, quiet manner that belied his inner strength. He was deeply interested in politics, and his lobbying--his skills of political strategy--were his greatest strength for the district."

Mr. Nisbet brought to his oral history interviews an institutional memory that stretched from those beginnings in 1957 to his retirement from the post of AC Transit general manager in 1984. Because of his lively interest in public transit, his awareness of events and issues extends to the present as well: he often mentioned the current doings of AC Transit or BART as we conversed. His recall was excellent, and in his eagerness he often jumped ahead to new topics. When I endeavored to draw him back for more details, he graciously complied.

Though Mr. Nisbet gave full and thoughtful attention to our interviews, we were sometimes interrupted by the workings of his busy life. The telephone and the doorbell rang often; twice he had friends visiting when I arrived; and once the sound of a jackhammer outside caused so much noise we almost gave up! Through it all, he was relaxed, cooperative, and interested in everything, both past and present.

During the editing phase, Mr. Nisbet made only slight corrections to the draft transcript, letting most of the conversation stand as we taped it. He has continued to think about the larger project, often suggesting names of potential interviewees or wondering aloud what others will say about a certain aspect of AC Transit's history. This interview is one vital piece of that history, and readers will find much of interest here.

Laura McCreery, Interviewer/Editor
Regional Oral History Office

Berkeley, California
December 2001

Regional Oral History Office
Room 486 The Bancroft Library

University of California
Berkeley, California 94720

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name ROBERT EUGENE NISBET

Date of birth 9/22/14 Birthplace OAKLAND, CA.

Father's full name ROBERT JAMES NISBET

Occupation PHARMACIST Birthplace CHICAGO, ILL

Mother's full name BESSIE KELLEY NISBET

Occupation HOUSEWIFE Birthplace WATERLOO, IND.

Your spouse PATRICIA MASON NISBET

Occupation TEACHER Birthplace TACOMA, WA

Your children KIRK SMITH, KATHLEEN ADKINS
CHRISTINE ADKINS, JEFFERY ADKINS, SCOTT NISBET

Where did you grow up? SAN DIEGO CA OAKLAND CA BERKELEY CA

Present community BERKELEY CA

Education A.B. UNIV. OF CAL BERKELEY LLB HASTINGS
UNIV OF CAL SAN FRANCISCO, CA

Occupation(s) ATTORNEY FEDERAL GOVT. DEPUTY CITY
ATTORNEY ATTORNEY - GENERAL MANAGER A.C. TRANSIT

Areas of expertise TRANSPORTATION LAW AND MANAGEMENT
LEGISLATIVE LIASON ~~AND~~ TRANSPORTATION AGENCY
COORDINATOR

Other interests or activities English IN ACTION YMCA
SIERRA CLUB ~~AND~~ TEN GRAND CHILDREN

Organizations in which you are active SIERRA CLUB A.C.L.U
BERKELEY REPERTORY THEATER

I FAMILY, CHILDHOOD, EDUCATION, EARLY CAREER

[Interview 1: September 13, 2000] ##[1]

Early Years in California; Family Background

McCreery: We'd like to ask about your early life so we know who you were when you began your career. I'll ask you today to start out by stating your date of birth and telling me a little bit about where you were born.

Nisbet: Okay. I was born in Oakland, California--my folks lived in Piedmont, but the hospital was in Oakland, the Providence Hospital--on September 22, 1918. World War I was still on. My mother [Bessie Kelley Nisbet] was at the hospital and expecting me, and the influenza epidemic was on, so everybody was wearing masks, she said. So she was helping, rolling bandages, doing work while waiting for me to come, to help out in the war effort.

Anyway, she said to the nurse, "I think it's about due." And they said, "Oh, no, not yet." Finally they realized that she was right and put her on a gurney, and I was born. No doctor around. Anyway, he came later and sent us the bill, still, even though he wasn't there when I was born. That's what they told me about it. Unfortunately, one of the vignettes of that, years later, when I wanted a birth certificate, he'd spelled my name wrong on the birth certificate, so I had to have it changed and make it officially my name.

McCreery: Well, that was very independent of you to be born all on your own.

Nisbet: I sort of tell the people I want to impress that my folks lived in Piedmont, but if I want to be one of the members of the general public, I say I was born in Oakland [laughter], which I technically was.

Then, when I was about two, we moved to San Diego and I grew up down there. My father [Robert James Nisbet] was a druggist in downtown San Diego and then out in

---

[1]## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

Kensington Park. I went to grammar school and junior high and started Hoover High School when the Depression was on. In 1934 my father lost his drugstore--it was foreclosed--and so we had to go live with relatives.

We lived with my mother's sister in Los Angeles for a short time, Beverly Hills. I went to Beverly Hills High School, which was quite an experience, along with [the kids of] movie stars and other kids, and the Marx Brothers' kids, and Joe E. Brown's son.

Anyway, then we moved back to Chicago for a short time with my father's sister, and while we were there, both my aunt and uncle passed away, which was sad. She was a teacher in the Chicago schools. She taught thirty-three years at the same school in South Chicago. Of course, it was all black [students] before she--and she was eligible for the state pension but not the city one, and she didn't retire, and then she got cancer and passed away.

While we were there, next door at the little hotel that was there, Clarence Darrow lived, and my father recognized him on the street one day and introduced me to him. I was quite impressed by the story of his legal experiences in the early days. My youngest son was born on his birthday, so his middle name is Darrow. That was kind of interesting.

McCreery: Nice connection. Do you know much about your mother's family?

Nisbet: My mother's family came from a little town in Indiana called Waterloo. Her father ran the hotel and the local telephone business there, and so she lived in the hotel her early life. All of her meals and all the bed making was all done. My father came into town as a druggist, worked in the drugstore there and met her, and they got married, and then he took her to San Marcial, New Mexico, in 1904. It was a territory then--it wasn't even a state--in this godforsaken place way down nowhere. She had to learn to cook. A Mexican man taught her to cook, and she learned all of that in this rather, really, frontier place down there. But anyway, that was quite an experience for them.

Then they moved various places after that. My brother [Richard Nisbet] was born in Waterloo, and my sister [Ada B. Nisbet] was born in Chicago, and then they came to California. My father was working in the surgical supply business, looking for a place to start a drugstore. They were living in Piedmont when I was born, and then they found this drugstore in San Diego and we moved down there.

McCreery: So you're the third child in the family?

Nisbet: It was my brother, my sister, and myself. There was eleven years difference between myself and my sister, and my brother was two years older than my sister. So we moved to San Diego and bought this drugstore in downtown San Diego and were there for a while, until they remodeled that area and built a new building, and then we moved out to Kensington Park.

McCreery: Now, do you know much about your father's side of the family?

Nisbet: My father's sister and brother, of course, were in Chicago, the ones that died when we were there. I remember they were very devout Catholics, and I remember the wake with the candles and the bodies still there and everybody drinking a little too much--you know, in the traditional Catholic way--but he never carried out the Catholic--I mean, he didn't go to church or anything. He joined the Masons and everything.

When we moved to San Diego--in those days, even, my mother felt that the schools weren't that good, so she sent my sister to a Catholic school there, and she converted to Catholicism. She finished high school down there, and shortly after she graduated from Dominican College, she joined the church, but she was already into teaching English at UCLA. She stayed in seven years, and then she decided that church life wasn't for her. She was a professor of English at UCLA and an expert in Dickens. Right now we're trying to publish [posthumously] her bibliography of that area. She wrote several books and was considered an eminent scholar on Dickens. Never married.

She said, jokingly, that when she was young she had to babysit me because she was eleven years older than I was, and that's why she didn't have any boyfriends, but I think it was because she was a perfectionist and didn't meet anybody that met her standards.

McCreery: What about your brother?

Nisbet: My brother went to Cal, Class of '28. He was in the surgical supply business and a partner in Bischoff's, which was one of the bigger surgical supply businesses in the Bay Area. He had his home in Walnut Creek. His wife has passed away, and he's gone, but his two daughters are still alive, one in Redding and one in Walnut Creek, and a son up in Sonora, California.

McCreery: You mentioned the Catholic church. What was your own religious upbringing?

Nisbet: I never had any. My mother sent me to Bible school, but I didn't take to it. Right now I feel that I'm either agnostic or an atheist. I just don't feel very religious myself. I feel strongly that so many of the ills of the world and the wars and the killings are done in the name of religion, and I just think it's not for me. But if it's for other people, if it makes them a better person, makes them deal with their fellow human beings properly, that's fine. But for me, I just feel that's it. So I didn't have any--right now I'm not associated at all. I did go to the Unitarian church for a while, and that was the closest to formal church that I went to.

McCreery: Okay. Well, you ended up with quite an interest in politics and related things. I wonder, did your parents have those interests?

Nisbet: Yes. Both my grandfathers, my father's and mother's father, who was the owner of the hotel and was the postmaster of that little town, and then her brother, my uncle, was postmaster, appointed by Democrats: [Grover] Cleveland and then Woodrow Wilson, in this little town in Indiana. So they were lifelong Democrats. My father was a lifelong

Democrat, my sister and I--we were all Democrats. My brother, though, went off on the Republican side, and he voted for [Franklin] Roosevelt in '32 and regretted it ever since.

Then, later on--we'll talk about it later. After being in Chicago for almost a year, not quite--we came back to California after my uncle and aunt died, and lived in Los Angeles for a while. I went to Fairfax High [School]. Then we moved up to Oakland. My father's health wasn't that good, and he had a drinking problem, so my mother was manager of apartment houses in Oakland and then in Berkeley.

High School; UC Berkeley; Working with Congressman Tolan

Nisbet: I was with them when I started the University of California. I went to Oakland High [School], by the way, graduated from Oakland High School in 1937, and then went to Cal Berkeley here.

McCreery: Tell me a little bit about Oakland High when you were there.

Nisbet: It was the last two years there, with the bouncing around to these other high schools in the meantime. I got a good education there, especially the history teacher that I still remember to this day got me interested--I did a paper on the Supreme Court and therefore got interested in law and also in, sort of indirectly, into politics. Then when I came to Cal I majored in public administration, with a minor in speech and got involved in the Young Democrats. I was president of the Young Democrats at Cal. And Senate Debating Society and the Thalian Players, which was a drama group. And that was the type of activity I was involved with there, and the Labor Board. I graduated in 1941.

Being in the Young Democrats, I had contacts with the congressman from this district, John [H.] Tolan [Jr.], so I went back to Washington with the intent to start law school back there, and worked in the congressman's office. They had a patronage job called the doorkeeper, but you worked one day a week, maybe, on the door of the House. The rest of the time you worked in the congressman's office. That was the way he got extra help, by having these things.

Anyway, I was there when he worked on a legal brief in connection with the "Okies and Arkies" [Oklahoma and Arkansas natives]. If you remember, California had a policy --it ended during the Depression--of keeping people out of California that didn't have any money. The police from Los Angeles and the [California] Highway Patrol would turn people back. This was when I first came back there, before the Supreme Court got involved in hearing arguments against this, saying it was unconstitutional. And the Supreme Court, of course, held unanimously that it was unconstitutional for a state to keep people from going from one state to another because they're poor or didn't have any means of support.

Actually, it was a split decision. Five of them upheld it on the Interstate Commerce clause, which gave the right for buses and trains and everything to go from one state to another; four of them put it on the Privilege and Immunities clause of the Constitution, which said that as a citizen of the United States you have the right to go from one state to another, which I felt was the real, true--I think today's court would probably sustain that position.

So anyway, that was the introduction to the [Interstate Migration] Committee and the work it was doing, which was quite interesting. Well, one day, when I was in the office, the phone rang, and I was near the congressman and he was talking, and he said, "I can't make it. I appreciate the offer." Then he held the phone back, and he said to me, "Would you like to go for tea at the White House with Mrs. [Eleanor] Roosevelt?" I said, "Sure!" So anyway, I went and had tea at the White House with Mrs. Roosevelt.

McCreery: In place of Congressman Tolan.

Nisbet: In place of Congressman Tolan. She was so charming, such a wonderful person, given her looks. Her aura just came out, being with her. It was sort of a school group. She was working with a lot of young teenage and college people on some programs, trying to help them with getting through school, and that was quite interesting. Joe [Joseph P.] Lash was there, representing this group, and it was really quite an event.

McCreery: Of course, he later wrote about her in great detail.

Nisbet: Wrote about her. And then, of course, I was there when Pearl Harbor came [December 7, 1941]. I remember waking up that Sunday morning, late--you know, I'm sleeping in--and I got up and went out, and all the troops were all over the Capitol grounds, so I turned on the radio and heard what had happened. I had a hard time getting into the office. I wanted to go over to the office. There were people already in the office on Sunday because of what happened. I had to prove who I was to get in the office.

At any rate, I was up in the gallery the next day when [President Franklin D.] Roosevelt asked for a declaration of war, and that was another highlight of my experience in Washington.

McCreery: Tell me what you remember about that moment.

Nisbet: I just remember being there, up in the gallery. I was the family gallery, so I was up behind--Mrs. Roosevelt and all the Roosevelt sons and daughters-in-law and the whole family were right below me in the section I was in, and then hearing the President ask for [a declaration of war]. Up until then, Tolan had voted against the conscription bill, before Pearl Harbor, and it passed by one vote to start the draft, which turned out to be fortunate that it passed.

I was sort of against our involvement in the war. I didn't know all the details of Hitler and how horrible he'd been, and all that hadn't come out. I was sort of a semi-pacifist, although I had no religious background, as I mentioned, for that. But, of course, when

Pearl Harbor came, then I was willing to go. But I was 1-B [classification] in the draft. I was underweight, at 138 pounds and six-foot-two. But then later on they did away with that and made everybody 1-B and 1-A.

But in the meantime, the phone also rang when I was in the office, after the war had started, and it was the President's office again calling Tolan, and he said, "John," he says, "you've got to go out to the West Coast and look into this Japanese situation, because if you don't go, Martin Dies is going to go." Martin Dies was the Joe McCarthy of his day, a Red hunter, that type of person.

So anyway, the Tolan committee packed up their bags and came out to the West Coast and held these hearings from Seattle all the way to San Diego and Hawaii and all up and down. They concluded that there was no need for a mass evacuation. The FBI and the navy intelligence and the army intelligence all testified that they had things under control; they didn't need it.

But the Hearst press and all the politicians, including Earl Warren and Culbert Olson, who was our Democratic governor--there was hardly anybody who opposed it. A few people did, the Quakers and a few others. And General [John L.] DeWitt was hammering and saying, "It's necessary." So Roosevelt, unfortunately, signed the order, which was, I think, one of the saddest blots on our civil liberties.

McCreery: And all this took place while you worked in Tolan's office?

Nisbet: I was in Tolan's office. I didn't come out for the hearings. I went out to one hearing, but I was still back there. All this was going on, and he signed the order. Earl Warren became, I think, a pretty great chief justice, but on that issue he was--he later apologized, but he said he didn't care if the "Japs"--and he used the word, "Japs"--"ever came back to California." So it's sad that the hysteria was such that all the leaders of our community supported the evacuation.

McCreery: What were you actually working on, yourself, at that time? Was it related to that event?

Nisbet: General legislation and bills, and working in the office and going to law school.

The War Relocation Authority

Nisbet: Anyway, then I knew that the army was going to call me because they had done away with 1-B, and so the War Relocation Authority was set up to handle the evacuation, so I got a contact through Tolan's office with people who were running it. I came out here and worked for them for a while before I went eventually into the navy.

That was an interesting experience, working with--we were in the employment section and the school section--so we were trying to get some of the internees out of the

camps to work in jobs. There was a need for people because the sugar beet fields and other places--they were short of men because they were all at the war. They needed people who were willing to overcome their prejudice to get people to pick their crops.

And so I worked in that section, and then some of the students wanted to get out to go to school. Well, it was so ridiculous. They couldn't go to a school that had an ROTC. They couldn't go to a school if it were near a defense plant. It was so ridiculous.

McCreery: Do you remember who hired you at the War Relocation Authority?

Nisbet: Davis McEntire, who was a professor at Cal here, and then he worked during that period, took a leave of absence to work there. Very fine gentleman. They had three sort of categories in the War Relocation Authority. They had those, like Davis McEntire himself, who thought the whole thing was wrong but we would try to make the best of it, particularly in our section, trying to get some of the people out.

Then we had the people who really thought it was the right thing to do, the military minded: "These people deserve to be in camp, and they're dangerous," and so forth. Then we had a third group that came over from the Indian Bureau [Bureau of Indian Affairs], and they treated them as sort of--they wanted to treat them as wards, as people who needed help and sort of a social welfare approach.

There were several books written on this subject. *The Governing of Men* was one about how these people reacted when they were in these camps. Carey McWilliams also wrote in *Prejudice* about the hysteria leading up to the evacuations.

But anyway, one of my experiences, in showing how ridiculous the thing was: I was assigned to go up to Montana to pick up some sugar beet workers who had left the camp to go up there and work in the fields. The season was over with and they were ready to come back. When I got up there, the sheriff was so glad to see me. He says, "I'm glad you're here." He said the young ones just wanted to get out of camp. They weren't too interested in picking sugar beets, and they were wandering all over the area. And those people up there had never seen a Japanese, and, of course, with all this war hysteria, it was a real problem, so he had to sort of put them in protective custody. So he was glad to see me.

So then the train cars they gave us, the passenger cars they gave us, I swore they got out of the Smithsonian Institution because they had gas lights. We had to take two or three hundred of these workers back. So I had to check off all their names, all these long Japanese names. They were all so friendly and cooperative--no problem with that. Got them all checked off. Got their bags and stuff on the train. The train was ready, and I saw my bag down on the platform. Went to get my bags and the train started. And here were all these Japanese people with nobody in charge, headed west--the sheriff was more excited than I was. He said, "Get in!" I got in his car, and he got the siren going, and he chased that train down. Missed the first. Got to the second station, and he caught up with it, so I got back on the train.

And then we got to Ogden [Utah]. They didn't have any eating facilities for these people. We had to get off the train and troop all these people through the Ogden train station, with everybody looking at--what are all these people doing here? And fed them and back [to the train]. No problem at all. They were all cooperative. Back on the train again.

Came back to California. Little ol' me had ferried them halfway across the country. Got back to California, to the assembly centers, where they were due to go. Meeting us at the train station were these Marines with submachine guns to take these "dangerous" people back to the camp. Oh, it was awful.

So anyway, I didn't want to go on and on on that, but I followed this problem during the court--it was a 6-3 decision, with the Supreme Court upholding it, which was sad. Then recently they filed new suits and, as you know, have gotten some recompense, after fifty years. Most of them were gone, but they did get some. And [Kiyoshi] Hirabayashi --I met him--he was the complainant in the suit that was lost.

Anyway, I've followed it, and Ernie Besig in the [American] Civil Liberties Union [ACLU] got in. It's been sort of an interest of mine to see what happened with the American citizens of Japanese descent, you know--it was ridiculous. They didn't put the Italians or the Germans in any camps. It was a racial thing. Really sad. Anyway--

McCreery: Did the Japanese Americans talk to you much during the course of all this?

Nisbet: Oh, sure, yes. I mean, I talked to a lot of these people on the trip and then the people in the camps. I'd go around to different camps. Yes, they were more friendly with our section because we were trying to help them get out and get school permits and that type of thing. Yes, we got to talk to them. Some of them accepted it. And, of course, they also got out to serve in the army and the navy. They had the 142nd [regiment of Japanese Americans]. Half of them were lost on Anzio. I mean, they were awarded the purple heart, and they were very loyal Americans. It was so ridiculous, the whole thing.

Navy Service During World War II

Nisbet: But anyway, then I got my draft notice. I didn't want to go in the army, so I went over to the navy in San Francisco. They weighed me and says, "Well, you're a little underweight." He said, "I'll tell you what. You go home tonight and eat as many bananas as you can eat, and come back tomorrow," which I did and barely passed the weight thing, so they swore me in as an apprentice seaman. Then I was sent back to Cornell [University] for my midshipman training and went in the navy as a deck officer.

McCreery: Now, some of your background stuff says you were sent to the Pacific islands? Tell me a little about that.

Nisbet: Yes. First I was in New York with a repair ship that was being reconstructed in Brooklyn. That was "tough duty," living in New York City and going over to the shipyard every day. And then finally that ship left, and--interesting experience there. In Chesapeake Bay we were having our shakedown cruise. Everybody was aboard ship except the captain. I was assigned as boat officer to go over and get the captain and the mail and come back for the admiral's inspection.

Well, I got over there, and I thought I would have enough time, so I got the mail and then called my girlfriend and talked a little too long. When I got back, the captain had gone without me, and the damn boatswain, who knew--he got lost in Chesapeake Bay, and it took him a long time to get back to the ship. So when I finally got back, of course I was *persona non grata* and told to go to my room. I thought, well, that's not a tough penalty.

Anyway, as soon as I got in there, they said, "Get out! It's admiral's inspection." So anyway, I went up to the deck and had my admiral's inspection, and they said, "Let go the starboard anchor." That was an example. They let go of the starboard anchor, all right. The anchor and all the chain and everything else went right down to the bottom of the Chesapeake Bay.

Anyway, we got it all fixed, and we got commissioned and started on our trip around [Cape] Hatteras and down through the Panama Canal.

McCreery: Do you remember exactly when that was?

Nisbet: That was in 1942, late '42. Then we went over to the Hawaiian Islands. The ship was over-complemented; they had three people doing what one person could do, so naturally, I was sort of high on the list to be reassigned. That was a blessing in disguise. That ship went down to New Hebrides, in a godforsaken island down there, anchored and stayed there the rest of the war, and that ship crew had to stay in one place the whole time.

I ran into those people later, and they said it was really monotonous duty. A ship would be come in to be worked on. The ship would go, but they'd stay there. And the weather was hot and humid. They weren't in too much danger as far as--they got bombed a few times by planes, but--

Anyway, then I came back to the States and was a crew on the East Coast there for a while, taking ships up and down the coast to be--typical of American bureaucracy, they built these maritime ships, and they continued to do that during the war. But then we would take the maritime ship, already finished, to another place to be converted into a navy ship. [laughs] It was the way they did things. I did that for a while.

Then I got onto a transport. The rest of the war, I was communications officer on a transport in the Pacific, back and forth, carrying troops out before the war ended, and bringing them back. That was interesting duty. Being communications officer, I decoded all the messages, so I knew what was going on before the captain did, and I

coded all the messages that he sent out. I could go in that coding room and lock the door. Anyway--

McCreery: How did you get that assignment?

Nisbet: Well, the captain just decided that with my background that would be a good billet for me, so I didn't complain. But on the downside: I had one year of law school, so he put me on the court-marshal board. They railroaded a lot of those kids. There would be these 2-1 decisions, you know. I would dissent. I mean, we'd have a hearing and the court-marshal board would meet, and we'd get a note from these yeomen: this is what he wanted done--before we even heard the evidence, he would tell us what he wanted done. In several cases, he wanted a real tough penalty, and then he would reduce it a little. So I didn't go along with that, and he was upset with me.

Law School at George Washington and Hastings ##

McCreery: You mentioned law school again a moment ago. I wonder if we could back up and have you tell me how did you decide to go to George Washington [University Law School]?

Nisbet: Well, I checked schools when I was out here and talked to [the] congressman, himself, when I was in his office, about schools back there. There was Georgetown and there was George Washington and a couple of other law schools, and I found out it required an A.B. to get into and it was an accredited school. I had this job in the congressman's office, so it was convenient to start there.

McCreery: What was George Washington U. like when you went there?

Nisbet: Well, it was right in the center of town there, you know. The courses were somewhat large, but they had good professors, and I managed to do--a lot of FBI people were there. I might say a good half or more of the class were either in the FBI or were going to apply to the FBI when they got out, which was sort of interesting.

I lived in a boarding house, and my friend from Cal that worked for the Labor Department--he was 4-F, so he didn't go in the service. It was a good school.

Then, just to finish up the navy thing, most of the officers were from the South. Of course, there was segregation of the blacks in the early part of the war, before [President Harry S] Truman got in, and they had mess attendant duties; that was the only billets they had. And so I'd argue with the officers about the race question.

I remember one incident. I had Ruth Benedict's *The Races of Mankind*, a pamphlet. I was quoting from it. And this Southern guy came over and grabbed it and he said, "That Communist literature," and he threw it out the porthole! So anyway, as a result, I talked

to the crew about--a lot of the signalmen and radiomen and people who were under my jurisdiction were college graduates and very fine people. And so I spent time with them.

Then I got called down by the captain. He says, "You're supposed to spend your time with the officers and not fraternize with the crew that much." So anyway, I was afraid I wasn't the ideal naval officer, from their point of view.

And so then after the war I came back and got married. While I was still in the service--I didn't have enough points, because I wasn't married, to get out right away when the war was over, so I got married in Long Beach in 1946, I think it was.

McCreery: How did you meet your wife?

Nisbet: She [Ruth Griffin Nisbet] worked for the War Relocation Authority. She was a Reed College graduate. No, she went to Reed College and then graduated from Stanford [University]. Then we came back here and were living in the same apartment house that my mother was managing, and Kirk was born, my oldest son, in 1947, and then we moved, got a house on Manila Avenue with full G.I. Bill, no down payment and $8,500 for the house, I remember. God! The house is still there, on Manila Avenue in Oakland.

And then [I went back] into law school and [was] just finishing law school.

McCreery: How did you decide to apply to Hastings [College of Law]?

Nisbet: [First] I went to Boalt Hall, and, as I said, George Washington was an accredited law school on the list that went to Boalt. I expected to start the second year, and they said, "No way. No way would we accept the George Washington credentials. You could start first year in the fall." I said, "Well, I've already passed first year." I thought that was ridiculous. So I went over to Hastings, and no problem. They let me in. They said, "Well, the first-year course is now going. You can refresh your courses and take the exams if you want, or not take them if you want, but anyway, you can start the second year in the fall." And no problem, so that's where I went.

Besides, all the classes were in the morning, so I could work, and I worked in the attorney general's office, Bob [Robert W.] Kenney, while I was going to law school.

McCreery: Yes, tell me about that.

Nisbet: That was interesting work, getting involved with opinions and court cases early in the game, while I was still going to law school. I'll never forget that--he was a Democrat, Bob Kenney. He ran for governor against Earl Warren and got clobbered. I feel to this day--I think he should have stayed attorney general and not made that race. But anyway, in 1948 they weren't too happy with Truman, so they were casting around to find somebody maybe to run against him.

[Dwight D.] Eisenhower had just gotten out of--retired from the war, and they didn't know whether he was a Republican or a Democrat. I mean, he never expressed himself

when he was in the military. So [Kenney] had myself and this other young law clerk there check out [Eisenhower's] record, any statements he had made and his background. Our advice was that he's pretty conservative, even, and don't think he would make a good Democratic candidate. Well, of course, it turned out he was Republican, expressed himself, ran, and became President. So that was kind of an interesting vignette.

The dean of Hastings was a bigot, a right-wing bigot. Excellent professor. Taught contracts, which he knew backwards and forwards, but was a bigot.

McCreery: Who was that?

Nisbet: Snodgrass, David Snodgrass. He would put anti-Roosevelt cartoons and articles on the school's bulletin board. When Roosevelt died, he said, "One down, three to go"--things like that. He was terrible. But he did one thing: he got a lot of professors from back East when they retired, experts in their field, to teach at Hastings. So actually his faculty was better than Boalt's, in my way of thinking, a lot of excellent people. So we got a good education there.

McCreery: Were there any faculty members who were particularly influential to you at Hastings?

Nisbet: Oh, gosh, I can't remember them all. Thurston was a torts professor from Harvard. He was very good. There were a lot of them, but Thurston I remember particularly. A gentleman, a real scholar, and an excellent professor. Got a good foundation in torts. There were several others that I just can't remember right now.

But anyway, Bob [Robert K.] Barber, who I mentioned, became a judge later and was on the board of AC Transit; he was [at] Hastings with me, and several other people became judges and state senators, two state senators. I mean, they all got into politics and judgeships later on, from that class.

California Legislative Counsel; Private Law Firms; Federal Public Housing Agency and Department of Labor

McCreery: How was it arranged that you were the student law clerk in the attorney general's office?

Nisbet: That was politics. My Young Democrat contacts, through an intermediary, wrote a letter for me to Bob Kenney, and he hired me.

McCreery: So you set that up yourself. It wasn't Hastings.

Nisbet: No, no. No, no. I did that myself, yes. No, they didn't. They did have some efforts to get people part-time jobs, but that particular one I got myself.

Then I took the civil service exam when I got out of [law school]--I think it was before I heard from the bar that I'd passed. With the veterans' preference, I came out eighth in the entire state. I found that card in my things here. Anyway, then I went to work [as a clerk]--junior counsel, it was called--for the [state] legislative counsel's office, which is the legal arm of the legislature, drafting the bills and answering opinions from the legislators. So for the 1948-49 session up there, I was in the legislative counsel's office.

They asked me to stay on, but I wasn't interested in living in Sacramento, so I came back down here and worked for a couple of law firms. Tobriner & Lazarus [later Tobriner, Lazarus & Neyhart], which was the labor firm that later represented the unions in the transit district, and then Edwards & Friborg, and a couple of others. I had a neighbor that I handled a personal case with that was a nine-day jury case. My first time at court was a nine-day jury case, which was interesting itself. We won that and got his health and welfare benefits reinstated from Mutual of Omaha.

McCreery: Had you intended all along to specialize in labor?

Nisbet: My inclination and my background and my interests were on the labor side of it. And so I sort of thought I'd--then I went to work for the federal government, with the labor department, and later the federal housing authority for a couple of years there. When I was with, I think it was the labor department, they had the loyalty oath you had to take, and they sent me a questionnaire, asking me questions: Was I ever at a meeting where so-and-so, a known Communist was? What was the labor board experience at Cal? I mean, all of these questions that I just felt wasn't worth answering, and I was not going to take the job.

I went to see Ernie Besig, who was head of the American Civil Liberties Union, and he says, "Bob, just sit down and answer. We can answer these questions. You know you're not a Communist. You're a Democrat." So we answered them all, and I got temporary loyalty clearance. That was ridiculous. I wish I had that questionnaire. I think under the Freedom of Information Act they might still have it back in the archives. You know, it was, "Have you stopped beating your wife" type questions. It was a terrible thing. But anyway, then there was an exam for deputy city attorney in Oakland, and that's when I took that exam. Came out second, I think it was. And John Collier, the city attorney, hired me off the list.

McCreery: Before we get into that, I wonder if I could ask you to just tell me a little bit more about the solicitor's office in the labor department. Who hired you there?

Nisbet: Yes. Well, Ken [Kenneth C.] Robertson was the solicitor in the San Francisco office, and I just went in and applied, and he interviewed me and hired me. It was a civil service job, after I got out. Then [James E.] McFeely, who was with the [Public] Housing Authority. He said they needed an attorney and he'd give me an upgrade and a higher salary, so I went with the housing authority.

The labor department worked with opinions in the labor field of workman's comp and federal Fair [Labor] Standards Act and all those types of things.

McCreery: Maybe you could talk a little bit about the Fair Labor Standards Act.

Nisbet: Well, it was one of the New Deal series of things that Roosevelt got in. It provided for collective bargaining, that employees were entitled to organize and form unions and not be discriminated against, which of course so many of them were during the Depression days. If they joined a union they were immediately fired. And the National Labor Relations Act, along with it--the Fair Labor Standards Act dealt with specifics of minimum wages and acts of discrimination and so forth. The National Labor Relations Board dealt with providing elections and seeing that collective bargaining was carried out appropriately. I remember participating in some elections and got paid extra for actually conducting an election. My wife also participated in these elections. That was interesting.

But then the Housing Authority was working on building public housing around. I remember the Chinatown project in San Francisco. We acquired the property and built it without any title insurance, because we had already searched the title ourselves. But the title insurance companies are a big lobby. That'll never happen again. I mean, you can't buy a piece of property, either privately or publicly, without having title insurance. That's a legalized racket, as we call it. But anyway, that one project was built without it.

Deputy City Attorney for Oakland, California

Nisbet: Then, as I say, I took this exam because I didn't appreciate commuting to San Francisco, with the city attorney's office in Oakland, and worked from there. That's when I got involved, later, with the transit district. An attorney with the city attorney's office would handle legal matters and sometimes appeared before the City Council in place of the city attorney and advising them on legal matters and legislative matters, and write opinions.

McCreery: I know John W. Collier was the city attorney at that time. Tell me a little bit about him.

Nisbet: Oh, he was a large--you know, jolly fellow, but I don't think a great legal scholar--he just was in with the crowd at that time, which was Republican: Senator [J. R.] Knowland, Clifford [E.] Rishell [then mayor of Oakland]. Republicans ran Oakland for years and years there, and Democrats were in the minority completely for all those early years, in the fifties and sixties.

Anyway, I remember when he hired me, he said, "Bob," he said, "you're a Democrat." I don't know how he found out. I says, "Yeah." He said, "I don't think we ever had a Democrat in this office before."

McCreery: [laughs] He wanted to have a look at you.

Nisbet: Yes. See what I looked like.

McCreery: What was his style as an administrator of that office?

Nisbet: Easygoing, laid back. He seemed to like me and assigned me to interesting things.

McCreery: What were you working on?

Nisbet: Well, the police department. I remember in those days they had corruption in the police department. In this one case, the policeman had stolen from the property room, guns and other things, just taken for himself things that were supposed to be left there, if not given back to the person that they took them from--you know, disposed of, and the money going to a fund. He acquired them, and so I had to--there was a civil service action to fire him, because he'd had several other--

But anyway, being the attorney for the Civil Service Commission was one of my major functions, and a lot of those involved disciplinary actions, which was interesting.

McCreery: How did you like that work?

Nisbet: I didn't care for the criminal side. I talked to [James F.] Coakley, who was the district attorney in Oakland, about possibly working for the district attorney's office, but that didn't appeal to me, either. Either defense work or prosecuting. A lot of other people got out of law school and went to work for the district attorney's office. They still do that today. That's the first job you take. It's legal experience, and then move on to private practice or something later on.

But city attorney in Oakland only handles civil matters; they don't handle--the closest to criminals is hearings before the Civil Service Commission.

McCreery: What was the size of that office when you were there?

Nisbet: I think there were six of us. I was reading today, when the new city attorney just was sworn in, it's an elected spot now. I don't agree with that.[2]

McCreery: For the first time [it's an elected position], yes.

Nisbet: I don't think the city attorney should be elected; it should be appointed; it should be a civil service type thing. But anyway, twenty-two-plus contract employees now. I think we had nine, eight or nine, if I remember correctly, not more than that, when I came in there. A lot of them left, and one became city attorney in Alameda, and one a city attorney in San Leandro. It was a spawning ground for other jobs.

McCreery: Now, do you recall your salary when you first went to work there?

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[2]Oakland's first elected city attorney, John Russo, was sworn in on September 12, 2000.

Nisbet: Oh, boy. It was five hundred a month or something like that, or four hundred. I know when I got to the transit district, they offered me a thousand a month, and that was a big upgrade from what I was getting.

McCreery: I bet. Well, you said there weren't too many Democrats around the city attorney's office.

Nisbet: Oh, no, no.

McCreery: What was it like to be the only one?

Nisbet: Some of the deputies, a couple of them, were Democrats. They came on after I did. But, yes, they were involved with the Republican machine around there: Knowland, Rishell, Senator [Arthur H.] Breed [Jr.], who was the senator, and Walter Dahl, the assemblyman, were all Republicans.

I'm trying to remember some of the other cases. Then they had me going to Sacramento on the legislation dealing with Oakland. Of course, later on, then all the transit stuff.

McCreery: Did you get any occasion to know Collier very well on a personal level?

Nisbet: I was out to his house for dinner once or twice, and we'd go to lunch together. Not really intimate with him, but professionally we got along, and he was fairly good. The mayor, Rishell--we got along. And then [John C.] Houlihan came along later [as mayor of Oakland], who was a more moderate Republican. Got himself in trouble with mishandling--he was an attorney, too--mishandling an estate and got disbarred, and then, of course, left the city council and worked for ABAG [Association of Bay Area Governments] for many years. I think he's gone now, too. I don't think he--he worked for them for a long time. Sort of quiet and didn't get out in front anymore.

My political views were quite opposite of what the Republicans were doing, but professionally, then, when the transit thing came along, I had to work with them, and they came along, an antithesis to their basic philosophy of public ownership of a transit district, as against private ownership. And those minutes that I've found recently of those early meetings--there's a lot of talk about subsidizing Key [Route system] and helping them out, rather than public ownership.

McCreery: Before AC Transit came up, though, I wonder, did you have any particular plan for what path your career would take when you were deputy city attorney?

Nisbet: Well, no. As I say, I sort of was oriented to the labor part, but I sort of fell into this, being in the city attorney's office, and hadn't really thought whether I'd progress from there then to the transit district. The thing came up, I moved into that, and got into the more management side rather than the labor side.

McCreery: What about Mayor Rishell? Tell me a little bit about him.

Nisbet: Oh, he was a character, "Hail fellow, well met." Not the greatest intellect in the world, but people liked him. He kept being reelected mayor. He was in with the old Republican gang that had the votes and had the money to get elected. Anyway, I got along with him well. But Houlihan was more reasonable and more of an intellect, and I respected him more than Rishell as far as mayor.

Introduction to the Key System

McCreery: Had you already become interested in transit issues at that time?

Nisbet: Not too much. As I say, there was a report in 1947 by the city planning department, and then in 1950 there was a more extensive report with all the cities involved. I did some work--of course, being in the city attorney's office--with the planning department and John Marr [planning engineer, City of Oakland], and knew about it and was aware of the problems with the Key system.

And then the seventy-six-day strike came along in 1953, and that's when I got involved, if you want to get into that now.

McCreery: We might want to just save that for next time.

Nisbet: Okay. But that was an interesting one, and I ran into a statement by [Fred] Dubovsky, the attorney--

McCreery: Oh, yes, the lawsuit and so on.

Nisbet: And he said that--"and I appreciated the help from the bright young deputy city attorney." He gave me an accolade. But I hadn't realized until I got these minutes of the meetings of the early transit--it was Alameda-Contra Costa commission set up to study, to look at--it was all the cities and the city attorneys and the mayors--to look at what the alternatives were to what we should do. And Dubovsky came there. I hadn't realized that they had called on him, even though he was a curmudgeon, to come to those meetings. Of course, he was all for public ownership right from the start and said there was no way you could deal with Key or make a silk purse out of that sow's ear. And so--you know, interesting.

McCreery: Well, I wonder, do you recall when the discussion of forming a district first crossed your desk?

Nisbet: It was really when I got involved with Dubovsky in the seventy-six-day strike, when I really got involved, because then it was apparent that something had to be done. This planning commission and the other studies had sort of been put on the back shelf, and they dug those out and then started a new committee to look more and more into what could be done.

Some of them, like Rishell and the more conservative people, wanted to subsidize Key or stop--they ran a franchise--they had to pay each city a franchise fee--waiving that and helping them out. And of course the others, including them--it turned out Senator Knowland and Senator Arthur Breed realized that was a hopeless way of doing it and that we had to have a public district.

McCreery: Were others in the city attorney's office working on this in the very early times?

Nisbet: No, not from Oakland. There were other city attorneys involved. Each city had their city attorney or deputy city attorney working with us on it.

McCreery: But I wonder how it landed with you?

Nisbet: Well, because it just happened that Collier assigned me to work with Dubovsky on the strike. The previous meetings they'd had, only city managers and council people, mayors, were involved, and I don't remember any legal counsel for those early meetings. I think at one time Bob [Robert T.] Anderson and Fred Hutchinson in Berkeley were involved there, but I can't remember. Collier, himself, went to some of the early meetings, but I don't remember any--yes, Collier, himself, went to some of the early meetings. That's in my notes that I ran into to refresh my recollection. But no effort at really getting legal advice or working on what alternatives there were, what legislation could be developed, and so forth.

McCreery: To what extent did this interest you when you first heard about it?

Nisbet: Well, I got interested, with Dubovsky, on the legal end of it, about the Public Utilities Commission, learned what their role was and what has to be involved there. Then, as I say, I went to see Senator Breed, and he was drafting legislation. That tended--most of these early committee meetings, the early study commission, with just staff people and city council and mayors, shifted into this action committee, which included attorneys from the cities, and it was there that I really got involved in the thing.

Even in the back of my mind I'd been concerned about transit and felt that the National City Lines [bus transit]--the story was around that they were in cahoots with Firestone Tire and Rubber and General Motors to--there was a conspiracy to get rid of the trains and have all buses, and also to cut back service and all of that.

McCreery: What do you think? Was there a conspiracy?

Nisbet: Oh, yes, I think they had a deal. Of course, when we in the public agency--we had to go out to bid, but they didn't have to do that, so they just made a deal. They bought all General Motors buses, and they bought all Firestone tires and didn't bother to go out to bid or anything. It was a combination. And then the National City Lines, which had properties--there was another holding company in there, too; I can't remember the name now [Railway Equipment and Realty Co.]--they owned other properties around the country, and it was a pattern that was similar back there. I don't know whether you call it

a conspiracy. It was just a way that they went about it, which was not, I don't think, in the public interest.

And, of course, that was the one side. The other side--they were also interested in getting rid of the trains and getting paid for them. Almost immediately after the trains were abandoned, they made a deal with some South American country and shipped most of the trains down there. We captured one of them, which is up at Rio Vista. I don't know if you've ever been up to that exhibit.

McCreery: I haven't seen it, but I've heard it's there, yes.

Nisbet: They have one of the Key System trains there.

McCreery: I wonder, to what extent were you and others in Oakland city government using public transportation yourselves at that time?

Nisbet: [laughs] Oh, I used the buses, yes. When I was going to school, going to Cal, my mother lived on College Avenue there, and I took the streetcar along College Avenue every day to college. Yes, I rode--I didn't have a car in those days. Every summer, when I was going to Cal, I would work at various jobs--playground director; I worked in a can company; worked for the Shell Oil Company out in Martinez in the summertime with a work crew in that hot, hundred-degree temperature, scraping out those big tanks. You know, these rubber scoopers to get the--we could only be in there five minutes at a time. That was a horrible job but paid real well. My mother said I would come home from that work and eat and go to bed and then collapse and get up in the morning. But it paid well. So I managed to get all my expenses for Cal paid for all myself. My mother provided the room and board, and all my other expenses I earned by these other jobs. Playground director was interesting.

McCreery: Since you mentioned Cal again, was there anyone there who was particularly influential to you, looking back?

Nisbet: Anthony Banks, the speech professor, was quite influential, I think, in getting me to think and speak on my feet. My sister complained to me that I didn't take any English courses. Well, in speech--and I found one of my pamphlets I did for them--was we used Shelley and Keats and Shakespeare and others we studied to be able to speak. We not only wrote, but we read our papers to the class.

And then Charles Akin was another. He taught an undergraduate course in constitutional law and in administrative law. He was a tough taskmaster. I remember taking administrative law, and we had to choose one of the federal agencies, so I chose the National Labor Relations Board. That was a mistake, because that was his expertise. He had written a lot of articles on it. He knew it backwards and forwards, so I think I only got a C that year, or maybe managed to squeeze a B out of it.

II THE KEY SYSTEM; ATTORNEY FOR THE NEW AC TRANSIT

[Interview 2: September 20, 2000] ##

History of East Bay Public Transit and the Key System

McCreery: As we were just saying in our meeting last week, we traced your personal history up to the time you were in the city attorney's office of Oakland. I'd like to back up a little bit this morning and just talk about some of the transit history that occurred before that time. I know that the Key System had been financially successful in the thirties and forties, a good part of that time, I gather, under the presidency of Alfred Lundberg. Do you happen to know much about him from hearsay?

Nisbet: Yes, he was the president. But going back even further, "Borax" Smith was the first one that ran the East Bay Transit before Key System came along and took it over. The original service that "Borax" Smith provided [included] streetcar lines and some buses in the early days.

He was also a land developer. In those days, people didn't have many cars, and he would use the transit service to get people to buy property and build their homes on places where he had his lines, to encourage the purchase of the homes. So he made a lot --his corporation made--a lot of money on the sale of land as well as running the transit.

When it got built up, then the land part of it was taken over by others and not necessarily related to the transit, so transit had to make a go on its own, and it became less and less profitable. It was going downhill financially up until World War II. Then they got a spurt because of the necessities of the war. They needed to have public transit, and they ran a special line to Richmond, for the shipyard workers and everything, and they made enough money during those years.

But after the war, then it started to go downhill, and they began to consolidate and also made their deals with General Motors and the tire companies to have a move towards all buses rather than the trains, which they felt were more expensive to run. Also it didn't tie in with their other activities that they had around the country, where they were trying to promote the sale of General Motors buses and Firestone tires.

During that time there were a lot of, as I mentioned before, a lot of discussions and concerns by the public agencies and people in the area. The 1947 report, I mentioned, of the city planning department in Oakland, and then a 1950 report, which was more comprehensive and included most of the cities in the East Bay, discussing what possibilities there were for improving public transit.

McCreery: I do want to talk about both those reports in more detail. May I just back up a moment to 1946, when the National City Lines gained control of the Key System. Do you know much about what precipitated that?

Nisbet: Well, just like today's mergers of corporations, they bought it out. It was Bay Area Transit plus the Key System lines and another holding company, and then the National City Lines took over. There was a lot of discussion and some questionable activities by the corporations in violation of the Sherman Antitrust Act and other things. In fact, I had a discussion with Coakley, who was the district attorney in Alameda County, a Republican, but he felt that Lundberg and the others involved in this thing were perhaps guilty of antitrust and also not living up to their requirements under the franchise that they had to operate public transit. But he said unfortunately the statute of limitations had run [out], and he couldn't take action in this respect.

McCreery: You know, after we talked about that last time--

Nisbet: I don't know the details of all of that. I don't know if the district attorney's office would still have records going into that.

McCreery: Of course, it was before your time.

Nisbet: Before my time, and newspapers at the time--

McCreery: I did read that a federal court in Chicago convicted the transit line on conspiracy charges.

Nisbet: That's right, and Coakley felt that the same thing could be done out here. But he said, and I didn't check it all out and hadn't gotten any details on whether he was right, the statute had run, or whether it was just an excuse for his not acting in time. But anyway, it was in the minds of a lot of people, and I think that influenced the Knowlands and the chambers of commerce, and Sherwood Swan, who was the head of Swan's, which was a big department store, and Mayor Rishell and all the other political people at the time, that something had to be done and that they couldn't depend on this private enterprise situation. It was a semi-monopoly and had faulted the will of the people around here and [was] just operating in their own self-interest to get the most money they could out of it by consolidating and finally getting rid of the trains and having all buses.

McCreery: Yes, they did that by late '48, I read.

Nisbet: Yes, they got rid of the streetcars by late '48. Right after the war they ended. Of course, they moved the rails--special sort of temporary rails they ran to Richmond for the shipbuilding industry. It was very soon after the war. Then they started gradually

getting rid of all the streetcar lines, the College Avenue line, the line to Piedmont, and all of the other lines gradually were done away with. Then they only had the transbay lines.

McCreery: Was that controversial, do you know, to get rid of those streetcar lines?

Nisbet: There was some rumbling, and there were letters to the editor and some comment about it, if I remember just in the back of my head--grumbling about it, but nobody really took issue. As I said, it all came to a head in '53, when the seventy-six-day strike got people moving then, and I got involved, as you know. But Harre Demoro, in his books, goes into quite a bit of that conspiracy, one corporation gobbling up the other.

McCreery: The antitrust laws did catch up with them, didn't they?

Nisbet: Yes. And so his books are good background to all that, more than I can remember, being not involved in it but only peripherally, and then when I got into the transit, going back into the history on the thing.

City of Oakland Transit Reports, 1947 and 1950

McCreery: Let's talk about that 1947 transit plan that became part of the Oakland Master Plan. You had loaned me your water-damaged copy, which originally belonged to J. R. [John R.] Worthington, I notice.

Nisbet: Yes, he was our first general manager [of AC Transit].

McCreery: Yes, I'd like to talk about him. In any event, this was March of 1947. Whose idea was this?[1]

Nisbet: Well, I think it was Johnny [John G.] Marr, who was the planning director [of the City of Oakland], and he was the leading person involved in the thing. And some of the other people, including some city council people, but it was mainly Marr and the planner types that decided there should be a study of the transit system. So they went into quite an extensive analysis of the current operation of the streetcars and the others, and pointed out that they were fast being removed and so forth.

McCreery: I'm just going to move this microphone.

Nisbet: As I say, all I know is that that existed, and I found out about it afterwards, when I got into it, and it was followed up by this 1950 report, which I couldn't find. I've asked Mike

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[1]The 1947 report, "Transit Facilities and Mass Transportation in the Oakland Metropolitan Area," was prepared by Harland Bartholomew & Associates of St. Louis, Missouri.

[Mills] if the transit district would have it, but certainly the City of Oakland maybe should still have copies of it.

I remember talking to Marr, and he was--it was a lot of work, as you can see--he did a lot of work in the '47 report, and they also did a lot of work on the '50 report. The '50 report included more than just Oakland; it included all the cities in the East Bay, headed by the planning staff in Oakland. He felt the politicians and the others didn't take note of it. He was disappointed that there was no follow-up on it, to do something about it.

McCreery: You're talking about the '50 report now, or the '47?

Nisbet: Well, both of them, but mainly the '50 report, which followed up the '47 report and was more specific in saying that either a new agency should be created or the East Bay Municipal Utility District or the Toll Bridge Authority or these other regional agencies that had authority legally to go into transit should do something about it. That, too, fell on deaf ears. People talked about it some, but nothing was done. It took the strike of '53 to really bring the people, the politicians particularly--the Knowlands and the Rishells and the others who were running things around here--to realize that something had to be done.

Then we had a lot of meetings with the city attorneys, especially the Berkeley city attorney, Fred Hutchinson, and Bob Anderson. Bob Anderson went out to Contra Costa County and became--worked on the development of Hercules, all that area out there. He may still be alive. I don't know if Bob would be a possible person to talk to.

McCreery: Do you know what caused John Marr to be so interested in pushing these transit ideas?

Nisbet: No, I don't know. Well, just as a planner, he felt that public transit was essential to proper development. He saw Oakland growing and more population coming in and more need for planning and doing it properly so that it wouldn't just grow like Topsy, and that's why he pushed it. He wrote a very good report and it was put on the shelf and forgotten about, in his mind, until the strike. And even then, other events took over to work towards what we did in terms of creating the AC Transit District.

McCreery: What was Marr's style in promoting his ideas? What kind of a presence was he on the scene?

Nisbet: He was short. He appeared before the council often. You know, planners and some political types looked at him as a bureaucrat, especially when he interfered with some of the development plans or some of their financial schemes that they want to do. The planning department said, "No, you've got to do this. You've got to have a proper plan. You've got to do it so it makes sense with all the rest of the developments." And they'd get unhappy with it.

But he stood his ground pretty well and was very well liked both in the City of Oakland and in the planning community generally. He was a very good colleague of a former neighbor down the street here, Jack Kent, and unfortunately he's passed on, too,

but he was planning director in San Francisco for many years, and then he came over here and taught at UC and was on the Berkeley City Council, one of the first Democrats elected. He was on the city council for many years and quite active in political affairs in the East Bay until he passed away.

McCreery: Do you have much of a sense of how much the Bay Area was leading the state of California in starting to consider these mass transit issues?

Nisbet: Well, it was doing as much as any. Los Angeles was just sort of growing, and they had an operation--I can't remember whether they were National City Lines, but they did away with their Pacific Electric trains that went all over southern [California]--they did away with those, and the Long Beach line, and they moved that back. So they had the same pattern that we had. By the time the Southern California Transit District was created, why, it was all buses. And then they have built that line. They built a subway system down there now, and then, of course, that light rail line to Long Beach is running.

McCreery: Okay. Now, you say after the '47 report not much happened.

Nisbet: No, but my recollection--

McCreery: Yes, knowing you weren't on the scene yet.

Nisbet: Yes, they just stumbled along. The Key System would put on a line or two. They contributed to campaigns for some of these politicians, and the politicians had other things on their minds, so nothing really was done about it, except they did start the nine-county rapid transit study and were interested in regional rapid transit. So to that extent, the Marr report and the others played a role, in that they did feel that down the road the Bay Area should have a rail rapid transit system and that it should be done on a nine-county, overall basis.

Preliminary Report of Bay Area Rapid Transit Commission, 1953

McCreery: Okay. Well, I note that in, I think it's January of '53, the San Francisco Bay Area Rapid Transit Commission put out this preliminary report that we're looking at here.[2]

Nisbet: The commission--I'd forgotten when they were set up. They were set up in the fifties.

McCreery: And that was, of course, requesting or suggesting a nine-county involvement.

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[2]"Preliminary Report. San Francisco Bay Area Rapid Transit Commission." January 1953. [This report is available in the Main Library.]

Nisbet: Nine-county, yes, that was it. We knew about that, and I was familiar with that, and there was a lot of discussion in our early notes and things--some are in not such good shape--but should we go ahead with the East Bay district if there's going to be a regional, nine-county one? The conclusion was that that's going to take quite a while and it's nine counties and we need some action in the East Bay to deal with the local problems and local service particularly, as well as how it might dovetail with a regional system later on. That was the conclusion we came to when we set up our district.

McCreery: Now, at the time of this report, it was thought that the nine counties would indeed cooperate and put in money towards developing a more comprehensive system.

Nisbet: That's right.

McCreery: Can you tell me, as you know it, how did it get transformed into a plan for only the three counties?

Nisbet: Well, my recollection is that the nine-county study was commissioned, then they got down to the nitty-gritty of who's going to pay for it and what monies are involved, and anyway, most of the outer counties felt it was too early for them; they didn't see what was coming, and they all know now, the development of housing and businesses in all these communities. The outer counties--Sonoma and Napa and those--decided that highways were the only thing they needed to worry about.

So then it got down to five counties and included Marin and San Mateo. That continued, then, to study, to develop a plan for five counties, which made more sense. It was somewhat regional in the five counties surrounding the bay. Well, Marin County--they talked about putting trains on the bridge, and there was a difference of opinion of whether trains could be accommodated on the bridge or not, weight-wise and other reasons why, and also acquiring the right of way of the railroads that came into San Rafael and then ferried across their freight cars to San Francisco.

When it came down to the costs and [Marin County] translated that into tax requirements, they just opted out and weren't willing at that time to come in. The same for San Mateo County. They said it would cost too much, and they weren't ready to come up with the commitment for the taxes that would pay for it. Politics. It all went back and forth. So they opted out, too.

So then it kind of came down to just San Francisco and Alameda and Contra Costa. So we drafted the legislation--I helped draft it for the rapid transit that would only include those three counties, with the option for the others to come in. But right now, even though there's a big squabble about including San Jose and Santa Clara County, paying their share--because we pay taxes, and eastern Contra Costa County has paid taxes, because it included the whole county. It wasn't set up like ours was, where you voted on it. Just the fiat of the legislature included the three counties in the Bay Area Rapid Transit District. Large areas of these counties have been paying taxes all these years and don't have any service. Now they're going to extend service, or are talking about extending service to San Jose, and those areas haven't paid taxes all these years.

San Mateo has paid a modicum to get the airport extension and a stop in Colma and other places. So they paid somewhat of an entrance fee, but nothing compared to the accumulation of taxes that we've paid into BART all these years in the three counties. So that was a bone of contention.

McCreery: Yes.

Nisbet: Then along the way was the Bay Area Transportation Study, the BATS study. And then there was the regional government things that came along, the Golden Gate Authority and then [John T.] Knox had several bills on setting up a regional government, which would incorporate regional planning but also transit, and the idea that maybe they would absorb BART and AC Transit and others that are operating transit into this. Of course, it never came to pass.

McCreery: You say there were a lot of different versions of this plan that started with nine counties.

Nisbet: Yes, that's right. And they'd break off, and here it's down to lesser counties overall. But it was enmeshed with not just transit, it was enmeshed with the whole regional government concept, which would include a lot of other things, which I think we really need to have dovetailing, the planning and land use and conservation of open space and all those things that the regional government thing could deal with. Those all got intermixed.

The Key System's Seventy-Six-Day Strike, 1953

McCreery: Let's go back to the fifties and actually talk about the Key System strike in 1953, the longest transit strike?

Nisbet: So far as I know, seventy-six days. It was a long one.

McCreery: Yes. Tell me what happened.

Nisbet: Well, the Amalgamated Transit Union [ATU], [a.k.a.] Carmen's Union, the bus drivers and the train operators had a not very good contract. They'd been, as I say, pressured by the National City Lines and others that prided themselves on keeping the labor costs low and had a reputation of paying low wages. But the Carmen's Union and the American Federation of Labor [AF of L] and the CIO, to some extent, started organizing, and then not only organizing the union members vis-a-vis their employers, but politically they started getting more and more active in supporting candidates for the legislature.

It was then that the legislature began to change from all Republican to more Democratic, and most of the Democratic members were sympathetic to the labor unions. So the unions felt that what they weren't gaining vis-a-vis the employers, they would get

through their contacts in the legislature in assistance in legislation that would be favorable to labor, which turned out to be true down the road.

Muni [San Francisco Municipal Railway] at that time had a charter provision that said that they would have to be paid equal to what the highest two or three--I forget--cities in the United States paid. So they had that. They tried to get that or something similar with the Key System, and of course they didn't agree to it at all, and they didn't agree to the wages that were being paid in San Francisco. A lot of the other fringe benefits and working rules and so forth were a lot less desirable from labor's point of view in the Key System operation than they were in San Francisco or in other parts of the country.

So the union just felt that they were at an impasse, and the only answer they had was to strike, so they struck. Attempts to mediate were not getting anywhere. They'd meet, and--another person who would have been good [to interview is] Tom Nicolopulos, who worked as a mediator. He's gone now. But mediation service and politicians attempted to set up meetings between the unions and the Key System. I think even--well, as it turned out, even the Republican senator, Knowland, and Mayor Rishell felt that the National City Lines and the Key System were more recalcitrant than the unions. So then they really felt that something had to be done.

McCreery: I'm sure they never dreamed it would go on so long. Do you remember early on, was there hope of resolving it quickly?

Nisbet: Oh, yes. They always said, "Just sit down. We're only so far apart." You know, it's hard to remember way back then what the headlines were. As I say, I wasn't involved directly before the strike.

But then the Dubovsky case was quite interesting, and that resulted, I think, in ending the strike because--

McCreery: Yes. Before we do that, just tell me about the attorneys for both sides in the main strike itself. I know Mathew Tobriner was the union side.

Nisbet: Tobriner, Lazarus & Neyhart were the attorneys for the Amalgamated Transit Union. Stan Neyhart was the main one. The electrical workers, because there were some electrical trains and things--the IBEW, the International Brotherhood of Electrical Workers, and who was that? IBEW had separate attorneys. Hmm.

McCreery: Well, we can look that up. I just wondered, how effective was the representation on the various sides?

Nisbet: They had a good reputation, but they were dealing with--you see, Key System felt--they were moving toward this all-bus thing at the time, and they were in the National City Lines, and the holding company wanted to get it down to where it was all buses. They also felt that it wasn't the big money maker that it was at one time and that they were less and less able to get out of the fare box enough to run it, so in the back of their minds,

they were, I think, indirectly supporting public ownership, [to] take over and pay them for it so they could get out.

Another part of the conspiracy, maybe, that was raised by some people was that they were setting this district up to bail out Key System and save Oakland at the expense of Contra Costa County.

McCreery: Well, that's an interesting piece of it. What role did the city attorney's office play in the strike itself, if any?

Nisbet: Well, they were involved in a few meetings with other city attorneys as to what could be done. They didn't start any suit because they felt that it was a private company and the employees had a right to strike and that there was nothing they could do to stop it. They did have meetings with the Public Utilities Commission, who had jurisdiction over transit operations, privately owned transit operations. You know, they just felt that legally they couldn't do anything until this Dubovsky thing came along. Even then the bulk of them didn't think he had much of a chance.

The Dubovsky Lawsuit to End the Key System Strike

McCreery: We were just leading to the subject of Fred Dubovsky's lawsuit during the transit strike.

Nisbet: Anyway, after the strike had gone on for seventy-some days, why, an older attorney, a sort of curmudgeon that operated out of his house and wore disheveled clothes, and was sort of the old-time attorney, filed a suit against the Key System on behalf of the citizens of the East Bay, saying that in his opinion a public utility such as the Key System had an obligation under its franchise to operate public transit whether or not they had a strike situation and that they should operate in some way or another, even during the strike situation.

Of course, the Key System attorneys--Donahue & Richards, were the attorneys for the Key System, and I'm trying to remember the attorney that did most of their work for them, but the name escapes me at the moment. They pooh-poohed it. They said that they can't operate with a strike situation and they have no obligation under those circumstances.

But Dubovsky found an old [case]--and we "Shepardized" it, it's called, checking the original case and then seeing how many times it had been cited in other cases and whether they were transit-related matters. Loader vs. Brooklyn, New York,[3] where they held in the 1890s or first 1900s that the very point that Dubovsky was making, that a

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[3]Matter of the Application of Joseph Loader for a Mandamus against the Brooklyn Heights Railroad Company, 14 Misc. 208, 35 NYS 996 (1895).

public utility, a local transit operation in Brooklyn, had to operate, whether there was a strike on or not.

Anyway, he filed this suit. The city attorney called me in one day and said the suit had been filed, and I read about it in the papers. He said, "I don't think it has much merit, but I think we've got to show that we're doing something, so I'm going to assign you to work with Mr. Dubovsky and see what you can do." So I got together with him. We felt we had a case, at least, that would bring the issue to the forefront.

McCreery: Now, did you know Dubovsky before this happened?

Nisbet: No, no. I heard about him. So the Key System, through their attorneys, filed a petition with the Public Utilities Commission saying that they had exclusive jurisdiction in this matter and that the courts where Dubovsky had filed the suit had no jurisdiction. The Public Utilities Commission said--which I thought was a rather inane decision--"Yes, we have exclusive jurisdiction. The courts have no authority here. But we won't exercise it in the case of a strike." [laughs] So they were very helpful.

Anyway, Judge Woolsey, who was hearing the case in the Alameda Superior Court, said, "That's ridiculous," and he proceeded to have the case go ahead in spite of what the PUC said. Of course, the attorneys for the Key System rushed to the Supreme Court to get a stay. I don't know if the PUC filed a brief or not, but anyway, the [Key System] filed before the Supreme Court, saying that the PUC had exclusive jurisdiction and that Judge Woolsey of the Superior Court should stop hearing any action in connection with this matter.

And the Supreme Court refused to take jurisdiction. They said, "We're not going to decide it in advance. If Judge Woolsey makes some order that you feel you want to appeal, you can appeal it then, but we're not going to tell a court in advance that they don't have jurisdiction." So they lost that.

We drew up an order to take over the Key System in receivership. To make it more likely that it would have a fair chance of succeeding was the fact that the union, with my political contacts--I had worked for Tobriner's firm for a short time--they came in and acceded to the jurisdiction of the court, that they would abide by the decision, even though they're on strike, with the offering that they'd go back to work, not at the old rate but some temporary rate that would be determined by the court as to what would be a fair wage during the continuing negotiations to settle the strike in the long run. But when they came in, the company, Key System realized that there was a chance that Dubovsky's case might succeed, with the union acceding to the jurisdiction.

McCreery: Did that offer come as a surprise, then?

Nisbet: Well, not to me, but it did to the Key System and to the public because they didn't think the union would accede to the jurisdiction of having the Key System taken over and operating without settling the strike, technically.

Anyway, on a Friday we drew up this order, taking over the Key, and Judge Woolsey indicated he was going to sign it on the first of the week. Well, anyway, over that weekend the Key System settled the strike with the union. One of their stipulations, as in the case recently, the Firestone case, they wanted all the records expunged so there'd be no record that this had happened and that the precedent of having to operate when the strike was on would be--all those documents would be sealed and not available, and they still aren't available today, as far as I know.

McCreery: So they did succeed.

Nisbet: Yes, the court agreed to that, because they were interested in getting the strike settled. But everybody, then, in the community realized that couldn't continue. It would happen again next time the contract was up, so that's when we seriously began a series of many discussions on what to do next.

McCreery: It sounds as if Dubovsky's lawsuit, though, had the effect of forcing the end of all this.

Nisbet: Oh, yes. I think it had a major role in ending the strike.

McCreery: Yes. Now, what was his interest? Did he just come out of nowhere with this lawsuit?

Nisbet: Right. He's just a citizen, just a public citizen that felt that something should be done. He went to some of the early meetings with the cities and stuff after that as to what could be done. He, from the very beginning, said that the only thing is the public district; we've got to set up a public district, and public ownership is the only answer in this situation. Or course, that's what happened.

McCreery: Yes. You are referring to this digest, the AC Transit Committee activities for the first half of 1954 [February 5-June 18, 1954]. It's quite a detailed summary of all the meetings and so on. And yes, Dubovsky was there for some of it, as you were.

Nisbet: Yes.

McCreery: Maybe we'll just take a look at this.

Nisbet: The other [report] that I had, which is all waterlogged--it goes on from there, when we actually started talking about legislation.

Composition of the AC Transit Committee, 1954

McCreery: Yes, but just to kind of think about some of the early players, looking at that list of attendees and that February 1954 meeting of the Transit Committee. Just tell me a little bit about who these characters were.

Nisbet: Well, [John W.] Collier was the city attorney of Oakland, and Fred Hutchinson in Berkeley.

McCreery: Tell me something about Fred Hutchinson.

Nisbet: He was city attorney of Berkeley, from the old school, Republican, in with Claude Hutchison and the people that ran Berkeley in the forties and fifties.

McCreery: He was related to Claude?

Nisbet: No, not related. They weren't related, but he was the attorney for many years under the Republican regime. Intelligent, savvy guy, but quite conservative, and he had to be convinced that public ownership was the answer. He was not too keen about moving in that direction. Bernie [Bernard] King [is also on this list].

McCreery: Yes. What do you know about him?

Nisbet: He might still be alive. He was with the County of Alameda. Coakley assigned him to participate in this group. He was younger than I was, so he might still be around. I have no idea where. He left the D.A.'s office and went into private practice and I think moved away from the area, but I'm not sure.

And Jim [James] Clark from the City of Alameda, the attorney's office over there.

McCreery: Did you know him very well?

Nisbet: No, not too well. And then [the] Piedmont one I knew, J. Marcus Hardin, the Piedmont city attorney. And Clair MacLeod was the mayor of Piedmont. He became quite an active player in our organizing committee and later was the first president of our board. Then he left our board to go on the BART board. He played a major role.

McCreery: Can you tell me something about Hardin?

Nisbet: Hardin? In Piedmont they allowed the attorney to be in a private practice. It was sort of a part-time job. So he had a sizeable practice in commercial law in connection with a lot of real estate interests as well as being city attorney in Piedmont. He played a role, but he wasn't one of the active participants in the drafting and the final go-around with the legislation. Mainly the Berkeley ones and myself.

They don't mention the Contra Costa people in this group. They came in. [John] Nejedly was the district attorney out there. He participated some. Matt Walker, his deputy, played a role, and there were some others, including Charles Wright.

McCreery: Okay. Well, this digest, of course, stands on its own as a record of those meetings. I was interested in the first meeting mentioned there, February 5th, 1954. What you all discussed was the possibility that the state could seize and operate the Key System in the event of another strike. Do you remember talking about that?

Nisbet: Yes, that's right. Since the Dubovsky thing was questionable--I mean, some attorneys still felt they didn't have a right under current law to take over Key System and felt that in order to protect that right we'd have to get legislation, and that was discussed. But, you know, what do you do? I mean, you have to have something to take over. If you take over from Key System, you have to have some organization to run it: the city or the county or the courts. Can they run a transit system? And who do you appoint as the trustees?

Anyway, the League of California Cities was involved in the discussions.

Oh, Carlson. He played a big role. City attorney of Richmond. Tom [Thomas M.] Carlson. He was Mr. Contra Costa for many years. He was the power behind the throne in Contra Costa County, especially western Contra Costa, Richmond. While he was only the city attorney, he was very friendly with all the politicians, with the mayors and the others. He played a big role. He also had interest in some of the private investments and some of the developments in the early days of Richmond and western Contra Costa.

I remember his deputy, Charles--the name will come to me in a minute--played a major role in there.

McCreery: How well did this group work together, in your memory?

Nisbet: Well, [it wasn't a group] too long. It sort of evolved into this bigger committee, including Contra Costa people.

Charlie Wright was the deputy district attorney, and then Carlson was the city attorney out there. They named a street after him out there, as a matter of fact.

I see here that we had a member of the Bay Area Rapid Transit Commission come and talk to us, Marvin [E.] Lewis. He was a supervisor in San Francisco and quite active in the early days of the BART system.

McCreery: Yes, I believe he chaired this 1953 preliminary report that we're looking at, so he's been involved.

The Transit District Law, 1955; Tax Provisions

McCreery: Well, all these events, of course, led up to working on the transit district law, which was adopted in 1955. And I know you were quite involved in that. Can you tell me about the genesis?

Nisbet: I was getting involved, yes. I was up to my ears in that. Well, this committee evolved into a working committee of mainly city attorney types and deputy district attorney types, to work on legislation. Then, of course, when we got to the point of thinking

about a bill, we had to work with [California state] Senator [Arthur H.] Breed [Jr.] and Senator [George] Miller from Contra Costa County, and Walter Dahl on the Assembly side, and work with their staff to work on the actual language.

Also involved--they mention Lamar Childers here, from the Central Labor Council, but with their attorneys, which was mainly [Stan] Neyhart, working on the legislation. We started off by taking the East Bay Municipal Utilities District Act as sort of the basic format of a district, a public district operating a business--in their case, water. So that was the basic format.

Then, of course, having the labor people involved, one of the major items that caused a lot of discussion and some dissention but was one of the unique features of the final transit district law, were the collective bargaining provisions. Even with the feet-dragging from some of the people who were sort of anti-labor and anti-public ownership generally realized that in light of the Key System experience and the seventy-six-day strike, the issues that revolved around the labor agreement and so forth were essential to continuing to provide decent public transit down the road, whether you were private ownership or public ownership. [We] overcame the reluctance of people to--old conservative Republican types--to go along with the provisions in the law for collective bargaining.

I'm trying to think what model we used, because it was the first one in California to have collective bargaining in a public agency. We looked at the National Labor Relations Act language, and some other--I think it was Michigan or somewhere had a provision for collective bargaining in one of the cities there. They didn't call it collective bargaining, but the labor union would be able to have representations and they would sit down with representatives of the labor to work out, instead of having it full civil service and dictated from the top. That sort of was the pattern that we followed.

Then we discussed it with the conciliation service--

McCreery: You mean the federal mediation--

Nisbet: No, mainly the state one. [There were] lots of drafts and lots of kicking it around back and forth on the labor provisions. Other sticky issues were the tax question and the board of directors, whether they should be elected or appointed, and how many, and the idea of whether the district should be just created or the cities vote on it. All those were sticky issues that we wrestled with.

McCreery: Talk a little more about the tax question.

Nisbet: Well, the tax question was whether they should have the taxing power and, if so, should there be limits on it; should it be sales tax or property tax or the right to levy a special assessment tax. It was determined that the board of directors would have--there was no limit on it--the property tax power. Our board of directors would have that power.

There was some talk of limiting it to a maximum or some percentage related to other property taxes in the area. But the end language which finally passed and was signed into law by the governor had no limit. Those of us who drafted that never had in mind Prop. 13 [1978] would come along later on. Nobody thought that would be involved.

For that reason, the League of Women Voters opposed the unlimited taxing power, but they supported the concept of a public district and all that. So that was what we got into the law. Up till Prop. 13, the board of directors of the district I think judiciously used it, didn't--just a modest amount of taxes, because we were getting, of course, some from the fare box and some other subsidies from federal and state government, and bridge tolls and other things, and kept the tax rate at a modest level. Then, of course, with Prop. 13 it's been limited specifically, each year it can only go up a small amount. So that was a big issue.

Collective Bargaining; Board Composition; City and County Votes

McCreery: Let's return to the collective bargaining for just a moment. You mentioned looking for models elsewhere.

Nisbet: Yes, I'm trying to remember. We didn't find any other public district that was comparable to what we were trying to do, and that sort of stuck in the craw of some of the more conservative city attorneys and others who were on the panel. But we had a lot of language in relation to private enterprise: the National Labor Relations Board, the Conciliation Services, compulsory arbitration clauses in various contracts, and this type of thing.

McCreery: To what extent did you involve the unions, themselves, in trying to work this thing out?

Nisbet: The Amalgamated Transit Union were quite involved. Vern Stambaugh was their president. He participated consistently, of course, with Stan Neyhart, the attorney. And the International Brotherhood of Electrical Workers were there. The State Federation of Labor--let's see, our first draft of the bill--since the seventy-six-day strike was very present in everybody's thinking that were involved, they wanted a no-strike clause. Labor was reluctant, of course, to have [a] no-strike provision if they had collective bargaining.

But we drafted, then, a provision for compulsory arbitration. In lieu of the right to strike, they would have compulsory arbitration. And Neyhart felt, and we felt, that was good. Senator Breed and his office felt that was a good compromise. Well, the State Federation of Labor, American Federation of Labor, CIO, finally decided they would oppose the bill if it had that in it, so toward the last, we took that out.

We felt then that the language in our act--by then, other transit districts had also started to form--San Mateo, Los Angeles, San Diego, Orange County--and they all had

similar language. Southern California drafted similar transit district language, including "taking such concerted action as may be necessary," which the courts quickly ruled gave them the right to strike.

We didn't have that language in our act. Later on we got a strike after the district took over. We argued that they didn't have the right to strike, and the courts held they did, once they started down the road. But anyway, that happened later. So a lot of wrestling around the collective bargaining provisions, and we finally agreed on the right to bargain collectively and have representatives be recognized by the district. They had to meet and negotiate with them on working conditions and wages.

McCreery: Now, you mentioned another issue in developing the language was the size and composition of the boards.

Nisbet: Oh, yes. I'm going to get to that. You wanted to talk about collective bargaining. Yes. The other was whether [the board] should be appointed or elected or, like--East Bay MUD [Municipal Utilities District] was originally appointed, and they turned to elective provision. In the early drafts of the rapid transit district, they were appointed; now they're elected. In fact, the first board of the rapid transit district was appointed. So we wrestled with that, and we decided it should be elected, then have districts--or as we call them, wards--or elected at large, so we compromised. So we had five from wards and two at large, and that's still the case as far as AC Transit is concerned.

Then, on the creation of the district, we kicked that around. Some cities--Antioch and way out there--didn't feel they wanted to be part of it. So we held that every city could vote whether they wanted to be in the district or not and that the district would not be created unless two-thirds of the cities and the county areas voted to be in the district at the initial election, which turned out to be the case. A couple of cities--Antioch and Pinole and I forget the others--voted out in that original district.

So we were fairly democratic all the way through. The district wasn't created until a vote of the people--and each city would vote to determine whether they wanted to be in or out. The board of directors was elected, and, of course, we had to have the bond issue. The original act had a two-thirds requirement for the bonds. Then--I don't know if you want to just go on to what happened in the bond election.

McCreery: Yes. Just at the time cities voted to be in or out, was there much change caused by the fact that a couple of the cities opted out at that time?

Nisbet: No, unfortunately, they were way out on the periphery, and it would have been awkward if a city right in the middle voted out and the others voted in.

The City of Richmond Vote; First and Second Bond Issues

[Interview 3: September 27, 2000] ##

McCreery: When we left off last week, we were talking about the election in November of 1956, where the cities and counties voted to establish the district, and we covered some of the sticky issues that you had faced in composing the Transit District Law and so on. But I wanted to get your story of how the Richmond election had a special aspect to it, with the absentee ballots, whether to consider those separately or together with the main ones.

Nisbet: The [Contra Costa] county clerk put all the absentee ballots in a big bunch, and there was no way to tell which were the absentees from Richmond and the west county areas.

McCreery: Now, just for the tape, let's clarify why you would want to know separately what the absentee vote was from the main vote.

Nisbet: Because the opponents--I can't remember the name now of the fellow that filed the suit--but he claimed since we didn't know how the absentee voters voted, that they might have voted against the district and therefore Richmond and San Pablo and part of the incorporated area out there shouldn't be in the district. As you remember, the Transit District Law that we drafted--very democratic--said that each city had to vote to be in the district, and that at least two-thirds of the cities and the county areas in the district had to vote to create the district, before the district was created.

So anyway, the contention was that if all of the absentee ballots--it had to be all but just a very few--voted against the district, then the district wouldn't be established in Richmond and that area. The suit was filed. They transferred it to Marin County as a neutral county. I was busy with a lot of other things, so I hired an attorney by the name of Robert Kroninger--who's still alive, by the way, and lives in Marin County--who later became a judge.

Anyway, they lost the case. The judge held if all of the ballots had voted against it, it theoretically could have [lost], so he said, "Since we can't tell, I'm going to rule that they're not in the district." So that was the ruling. We appealed to the Supreme Court, and the Supreme Court refused to take up the case, and that left the lower court decision in effect.

So the first bond issue, then, that we had in 1956 excluded Richmond and San Pablo and other unincorporated areas out there from it.

McCreery: Okay, so then it was only later that those areas were brought in.

Nisbet: After we passed the bond issue the second time around, then Richmond and--they decided to annex back in the district. So when we started service, it included Richmond and San Pablo and that area, so we went from Richmond all the way around to Fremont.

But by then the central Contra Costa area, who voted heavily against the first bond issue--they wanted out, and so that's when we went back to the legislature and amended the law to permit easier withdrawal from the district. It was just a petition and no election if there was nobody who filed an objection. They got out of the district, central Contra Costa, meaning Walnut Creek and Concord and that area.

So our second bond issue, with a majority vote, which I discussed before--how we got it changed to that--was successful. That was a special election, I think in 1958. Yes, '58. That didn't include Richmond. They annexed in afterwards, and then became part of the operating district when we started.

McCreery: Okay. I gather some people who were keeping an eye on state politics were interested in the fact that you got it down to a simple majority vote that second time.

Nisbet: That became a cause celebre later. I told you about the reporter for the *Tribune* who thought he discovered a real sly action on my part and ran to Senator [J. R.] Knowland, who ran the *Tribune*. We never heard any more about it. Turns out that Senator Knowland said, "We're for the district and we want them to get into operation, so what's wrong with a majority vote?"

McCreery: Do you recall the reporter's name?

Nisbet: Don Thomas, and he later went to the *Los Angeles Times* and became quite a writer. In fact, I think he won a Pulitzer Prize for his work down there, political activities and reporting on the city councils and stuff down there.

McCreery: But he anticipated that Senator Knowland would put up a fuss?

Nisbet: Oh, yes, I could see him waving the bill at me. Had it redlined where I put the majority vote in. [laughter] But it passed. I just said that it permits the district to set up a Special Transit Service District within the overall district, and in that you have to have a majority vote to authorize a bond issue, et cetera.

McCreery: Whose idea was it to try to reframe it as a simple majority?

Nisbet: Me.

McCreery: Yours.

Nisbet: And others said, "You'll never get away with it."

McCreery: How did you get away with it?

Nisbet: Well, you know, the legislature at that time was fairly pro-transit, and the central Contra Costa people--they were interested in getting out, and they didn't oppose it, of course, and no opposition developed. There wasn't any--what was his name, the Prop. 13 guy wasn't around, and those types. And the legislative counsel's office, in their summary of the

bill, did mention that it did change it from two-thirds to majority. But it was pointed out that in a lot of special districts and certainly the state of California and other states, a majority vote is always needed for bonds.

Working with the California Legislature and the PUC

McCreery: Okay. Well, I'd like to back up just a little bit to the time that you were compiling the Transit District Law and working with the various senators and assembly people and so on. Now, I want to make sure I understand how it was that you were chosen to put all that together. I know you were already working on it, but what were the actual circumstances of compiling the law?

Nisbet: Well, the City of Oakland, being one of the biggest cities in the area, of course, had a major role in any discussions involving the East Bay. City attorney [John W.] Collier, as a result of my "Dubovsky thing," thought I should be the representative. It started out that he and the city manager and others attended the first meetings, but then they felt they had other things to do, so the City of Oakland as well as the city attorney's office decided that I should be the representative in working on this legislation with the other cities.

Of course, the other cities--Berkeley particularly--were quite active in the legislation. Fred Hutchinson and Bob Anderson were involved, and then the city attorneys of the other cities: Alameda, San Leandro, Hayward, and all those. They participated, but the chief people who worked on the legislation, besides myself, were the Berkeley people and the labor representatives, [Stan] Neyhart particularly, and the staff of Senator [Arthur] Breed's office and, to some extent, Walter Dahl, the assemblyman, who put a companion bill in the Assembly.

McCreery: Okay. Let's talk about some of those state government players.

Nisbet: I don't know if I showed you this [newspaper clipping] of the beginnings of the bill.

McCreery: Okay, you're looking at something out of the *Oakland Tribune* from March 27, 1955, the front page. Tell me a little bit about Senator Breed and his particular interest in this.

Nisbet: Well, he was particularly upset, along with [James F.] Coakley and Senator Knowland and the others, about the machinations of the Key System, when they didn't handle the strike and their attitude toward the public. They didn't feel they were responsive. So when we approached him, he was very receptive to putting legislation in, and he and his staff met frequently with our group to draft the bill that he put in.

The interesting fact, interesting personal thing, was that he was a Republican. I mean, I'm a lifelong Democrat and active in Democratic politics, particularly my wife. You see, when I was with the federal government, I was "Hatched" [the Hatch Act]. It is still on the books, as far as I know, that you can't work for the federal government and be

active directly in partisan activities. But the city attorney's office had no such restriction. I was a little circumspect about it, but I did it.

So, you know, the conservative side, Senator Breed, a Republican--it was interesting that they were willing to consider public ownership as against private ownership. Secondly, they were not adverse, as it turned out, to the collective bargaining, labor provisions in the law, that were one of the early, if not the earliest, provisions in a public agency having collective bargaining rights in California and maybe around the country.

I think they were so concerned, as most of the senators were, about the state of affairs with respect to transportation that they were willing to go along with it. They talked about subsidy, of getting another private operator and subsidizing them and not having public ownership. That was kicked around. Especially the Berkeley people were hesitant about public ownership, and then also about some of the labor provisions. They wanted civil service requirements similar to East Bay MUD's [Municipal Utility District] law.

But they knew about the effort of labor, and labor being satisfied with the collective bargaining provisions in the law, that without collective bargaining it would have difficulty succeeding in Sacramento and also then passing the bond issue and having an effect on the operation of the district, as opposed to having some reasonable means of settling labor disputes.

McCreery: So in spite of your personal political differences, you and Senator Breed were able to be in quite a lot of agreement about this whole thing?

Nisbet: We were. We were.

McCreery: Now, were there major areas of disagreement, when you were first trying to form these ideas?

Nisbet: I think I touched on them. Not with him particularly, but with people he looked to, like the Berkeley mayor was a quite active Republican, Mayor Wally Johnson, and then the city attorney was that way.

[tape interruption]

McCreery: You were just talking about areas of disagreement.

Nisbet: Yes. Those were the major ones. We started off with the East Bay MUD act as a basis of structure. The other disagreement was on the size of the board of directors, whether they should be wards or at large. A proposal was made that each city have at least one member. Well, that would be a horrendous size board, and also Oakland would have one vote and Berkeley, a smaller city, would have one, so that was another area of disagreement. At least we had to kick it around and modify it. So we came up with the five wards and two at large.

McCreery: How did you come up with that total number of seven?

Nisbet: We wanted an odd number. Most boards should have it so you don't get tie votes. The districts seemed to divide up to a relatively reasonable size for five wards and then the two elected at large, and staggered terms. Anyway, as I say, those were the discussions, and the minutes will reflect kicking that around.

McCreery: I noted in my background reading that in March of 1957 the Public Utilities Commission ordered an all-bus fleet, effectively doing away with the rails.

Nisbet: Yes, we filed suit with the Public Utilities Commission to keep the trains on the bridge. They were contemplating--Caltrans or whatever it was called in those days, the highway department--they were planning to pave the bridge over one way on one deck and one way on the other, all automobile, so we went over and gave testimony and got some well-known attorneys to be on our side.

San Francisco city and all the cities in the East Bay had realized that, except Oakland, were for keeping the rails on the bridge, but the *Chronicle* and the newspapers, *Tribune*, and of course the state highway department were in favor of getting rid of the trains and making it an all-automobile bridge.

We carried on--we appeared several times before the Public Utilities Commission, opposing the removal, and we lost. They issued the order. And then I had to advise our board. Next it was appealed to the Supreme Court. I had to advise them, legally, the Supreme Court in previous cases doesn't overrule an agency like the Public Utilities Commission on a substantive matter, but if they completely abuse their discretion or there is some erroneous action on their part, the [Supreme Court judges] have reversed it. But for all practical purposes, that they never interfere with the decisions of an administrative agency such as the Public Utilities Commission.

I had to advise the board that that was the case and that it would cost X number of dollars to file a Supreme Court decision. By then, a lot of pressure from the highway people and from the newspapers, the *Chronicle*--the heat was on us, giving us a bad time. So the final decision, and I [recently] told Bob [Robert K.] Barber about it--he had forgotten--was a 4-3 decision of our board not to go to the Supreme Court, with Barber and [J. Howard] Arnold, of course, and [Robert] Copeland, who was the old gentleman, retired army man, who lived in Kensington--voted to continue to fight to the Supreme Court.

So that ended the attempt to keep the trains on the bridge, which was too bad in a way. Previous to that--and that's a report I can't find--one of the reports has a reference that our engineer, DeLeuw Cather, had prepared a proposal, a plan, to utilize the trains on the bridge until such time as the regional rapid transit system got underway. It would have a shuttle. It would run the trains across the bay, and then the trains around the streets in the East Bay would gradually be phased out, but then, as we could afford it and as it dovetailed with the regional plan, we would run new rail lines throughout the East

Bay and through the high-level tunnel, because they were going to use rubber-tired trains, into Orinda.

So some of the concepts were actually eventually adopted by BART as far as the rail lines and where they went. But, of course, when the decision was made to abandon the trains, why, that just became a museum piece, and when we took over, of course, it was all buses.

McCreery: Now, after the board's 4-3 vote, was there any recourse at all after that?

Nisbet: No, just the people still complained, and some letters to the editor. As I say, Arnold and other people of that type said we gave in to the conspiracy of General Motors and Firestone Tire and Rubber and didn't fight hard enough. Harre Demoro--if you read his book--he says we abandoned it too early. Well, we fought a lot harder than a lot of others expected us to, to keep the trains on the bridge.

McCreery: Yes. And from a legal standpoint--

Nisbet: From a legal standpoint, they said, "What chance--it's going to cost X dollars to file the appeal and take the steps necessary, and what chance of success in the Supreme Court?" I had to advise them that it was slim because in the previous history in the Supreme Court, they very rarely have ever overturned an administrative agency such as the Public Utilities Commission. They will not hear the case *de novo*, which means you don't come in and put all the evidence in again that we put in before the Public Utilities Commission of why the rails should be kept, and DeLeuw's plan, and all the other things that we put in there. They wouldn't hear all that. They would only hear it as whether the PUC abused its discretion or did something that was completely out of line.

Of course, Arnold and the people who didn't understand all the legal technicalities thought we had caved in and given up the fight. But we fought as long as there was any chance of success before the Public Utilities Commission.

I remember Allan Matthew was an attorney with one of the big law firms in San Francisco, who lived in Berkeley. He was on our side, and he helped me, and appeared before the Public Utilities Commission with me. The only time that I ever got into the Pacific Union Club, the fancy, exclusive club on top of Nob Hill [in San Francisco]. He invited me for lunch, and we discussed the case there, and I was in this hallowed ground with all these high-powered millionaire attorneys, so that was my interesting time there. He was helpful, but he too said that we lost the fight. We did our best, and we didn't succeed.

McCreery: Did you later come to think there was anything more you could have done, or was there any change by things that came to light after the fact?

Nisbet: No, I think the die was cast. I mean, the Key System, themselves--they were interested in dumping the trains, and they weren't fighting it. The Public Utilities Commission and the Toll Bridge Authority, which had technical control over the trains--they weren't

interested. BART was no help, even though the original draft of their plan had two alternatives. One was to build the tube and one was to use the trains on the bridge. They sabotaged us in the middle of this fight by coming out and saying their preference was the tube under the bay and they really didn't have that much interest in the trains on the bridge.

Our argument was, "Well, let's keep them going till you get going, and don't abandon them until you build your tube and get the thing going. The system would provide a much better interim service, and then if your bonds didn't pass you'd have something in place that was a good system, rather than all buses." But you see, after we lost that fight, then we had to think about getting our bond issue going, and going ahead with our plans for taking over the Key System. That became our major emphasis.

First Employee of the New AC Transit District

McCreery: Well, now, let's talk about the fact that you really were the first employee of the new district. And we checked, and your appointment date was August 1, 1957, as the attorney-secretary for the district. Now, exactly how did that come about?

Nisbet: Well, I was involved in all of the startup and at the meetings and assigned to work on the law; and, of course, all the directors, when they got into office, knew that. They asked me if I could work for the district. Well, I first went to the city attorney and the city manager and said, "Could I take a leave of absence and take this job?" They hemmed and hawed and they said I had to decide whether to go with the district or stay with the city attorney's office.

By then they had gotten some money. I told you about that, didn't I? The major banks--Bank of America and all the other big banks--because we weren't on the tax rolls yet and didn't have any official money coming in. We had the right to tax, and we had to wait till the next year to levy the tax. The city dealt with the Bank of Commerce, which was a local bank that later became bought out by one of the others, and we knew people there. That's where I had my personal account, and the city did a lot of business with them.

So I went over there and talked to them, and they came up with $50,000--a risky venture, some people thought--to get started, so in light of that, why, they hired me. A thousand dollars a month, which was a big salary in those days.

McCreery: And so the first board appointed you.

Nisbet: Yes, they appointed me. They had to officially appoint me.

McCreery: Do you know if they considered anyone else?

Nisbet: Yes. One of them was the fellow who ran for the board, Bill Coburn, who was an attorney, and then there was one other fellow, Charles Wright, from Contra Costa County that they interviewed. But anyway, they offered me the job, at the beginning, and I took it, and that was the end of that.

McCreery: Was there any difficulty deciding whether to take the job?

Nisbet: Yes. You know, it was a risk--who knows when the district would get underway and go on? I was disappointed that they wouldn't give me a leave of absence, but I discussed it with my wife and other friends and decided that was an opportunity and I'd do it.

Starting an Office with Dorothy Massie; John R. Worthington

Nisbet: I told you about establishing the first office. You have a picture there, in the Claremont [Hotel]. At first they just gave us a little cubbyhole in the Alameda County courthouse, right after the election. We went down to buy some paper [at the stationery store] and it embarrassed Dorothy [Massie]. I had left my checkbook at the office and didn't have enough cash, and she didn't have any either. [laughter] But then we bought a few supplies and got started. Then we came out to the Claremont Hotel and we got the bank loan and had a few dollars. Rented space there way down on the bottom, by the garden.

McCreery: Yes. How did you choose the Claremont?

Nisbet: Well, I lived in Berkeley. It was close to me, and it was a good place to have meetings. They would let us use the rooms upstairs for our meetings, and it just seemed a convenient place. They were very friendly and very reasonable in rents, so that's where we had our first offices.

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McCreery: Before I forget, tell me for the tape a little something about Dorothy Massie, your first co-worker.

Nisbet: I've got to get her phone number for you. I don't know whether I just called up or--I think [my wife] Pat had known about this agency. It wouldn't be politically appropriate today, but Kelly Girl? What's it called?[4] Anyway, you call and get temporary secretarial help, and she came, and we hit it off, so she was there. She wasn't an employee; she was just hired as a [temporary] worker.

McCreery: So she claims she was the first employee, and you claim you were first?

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[4]According to Dorothy Massie, it was the Kelly Girl agency.

Nisbet: Yes, I was first, but technically she wasn't hired by the district as their first secretary till after I was. Anyway, she was very capable. She was operating below her capabilities as a secretary, and she later proved that by becoming a vice president of the National Education Association back in Washington.

McCreery: Oh, my. Well, how did you two work together?

Nisbet: Oh, we worked together well. I mean, Pat knew her, knew the family, knew the boys. One of the boys had polio, and our son, Jeffery [Adkins], had it [only] slightly, fortunately. He had two of the pills, but Dana [Massie] didn't have any, and he got it pretty bad. He still has to use a crutch and leg braces to this day, but he's doing well in the music business and lives in Santa Cruz. But anyway, she and I were the district.

And then shortly after--I can't remember how many weeks or months went by, and then they needed some more. We got George [M.] Taylor--and, by the way, I asked Mike Mills and he says George has passed on too. It's too bad. He moved to Arizona. He worked for the Oakland Chamber of Commerce and was working with the committee and came to a lot of our meetings, as [district] secretary then. He was administrative assistant to start with, and then he took over the title and function of secretary, and I just retained the title of attorney.

McCreery: I'm trying to get a picture of your early days. I mean, you describe going out to buy some paper for your bare-bones office! How did you proceed setting up your operation?

Nisbet: Just to have somebody to take notes and keep some records and things. When we moved to the Claremont, the board had finally decided to hire Jack Worthington, John [R.] Worthington, who had worked for Key System years before and retired, and then in private engineering work since then. Then, when they hired him and George Taylor--oh, and Virginia Dennison was hired early, to handle the P.R. and that type of work. That was the beginning of our staff. We didn't get much larger until we took over from the Key System.

Then, of course, we inherited the whole Key System entourage, and we had to decide which ones--the top one was Glen Stanley and the top officers, of course--they were tagged with the aura of the Key System as *persona non grata*, and of course they went elsewhere. One of the assistant general managers we kept, and of course all the operating people and the maintenance people we kept.

McCreery: Do you know how the board selected Mr. Worthington then? You mentioned his background.

Nisbet: Yes. They canvassed around and had meetings with different people. Somebody from DeLeuw Cather's firm came and applied, and then Jack Worthington. He'd known the Chamber of Commerce people and particularly George Taylor and those people and, you know, he was knowledgeable in the operation. He had left Key System--he couldn't get along with them because of their tactics and activities, so he had a record there that

endeared him to the board. They just felt that he had the qualifications as an operator, and he stayed on until he suddenly passed away, too, later on.

McCreery: Did you know him before he started with the district?

Nisbet: Slightly. He appeared at some of the hearings before the Public Utilities Commission, and I met him, but I didn't really know him very well.

McCreery: What kind of a manager was he?

Nisbet: He was good, from a technical standpoint--as far as knowing the operation and being able to deal with the different department heads. He was a little short on visionary or thinking in terms of long-range improvements and those types of things, but he was good, and we got along well. I mean, he was always suspect in my mind. Anybody dealing with the Key System that had anything to do with it, even if they had left them, you know. We should have a whole new fresh look and get somebody that didn't have that taint, but he did well, and he went along by getting the new buses and getting the new service district going and providing leadership in that area. It was good.

McCreery: Yes, I was wondering about the effect of having the earlier problems with the Key System.

Nisbet: Yes, that's right. That turned out to be a blessing for him. They didn't taint him with the same brush as the top Key System guys at the time we took over because he wasn't connected with them when we took over.

Buying Buses from General Motors and Other Companies

McCreery: Okay. And in your view, did he continue to enjoy the support of the board?

Nisbet: Oh, yes, they supported him on most everything. A few of the expense items--he wanted to buy certain buses, and the board--I guess he felt that--well, we had that antipathy towards General Motors because of the tie-in with Key System. They still produced the best buses, in his view, and so our first new purchase of buses was from General Motors, and that, to me, was one fault that I personally felt--he could have considered other bus manufacturers.

Later on, before he left, we had revised our specifications. I mean, the specs were drawn so that almost only General Motors could bid. I mean, not quite. But then they were changed, and so we got bids from other companies, including one in San Leandro, Gillig, and others, and then before he left and [Ken] Hensel came in, why, we were buying buses from other companies. But he may have been right at that time. General Motors did produce probably the best buses that were available, but it had that taint. And

we got criticized for that, by Arnold and others, people who were against the first purchase of General Motors buses.

McCreery: Yes, Arnold complained that G.M. was the high bidder.

Nisbet: Well, that wasn't quite true. I mean, the others didn't meet the specs. They were low bidder, but they didn't follow the specifications that we had for the type of equipment we wanted.

McCreery: Well, that's an important difference isn't it?

Nisbet: Yes. And it was apples and oranges to some extent. But I had to agree that the specs were drawn pretty favorably to General Motors, those first ones. Later on, we drew them up so they were competitive, and General Motors didn't win all of them. They got in and out, as time went on. Sometimes they'd win; sometimes the other companies would win.

McCreery: Who were the other companies that you contracted with?

Nisbet: Gillig and then the articulated buses were made by a firm in Colorado, Flxible. And then an English firm. The name escapes me at the moment.

McCreery: Okay. We'll look them up in some of the background material and fill it in. It sounds like you had quite a selection as time went on.

Nisbet: As time went on. For various reasons, General Motors was the only one really producing the intercity--now, Greyhound had a lot of General Motors buses, a private company, and they began to get other buses. Flxible was one of the first real competitors with General Motors on the exact type of buses we have.

Of course, along the way we experimented with electric buses and steam buses and various other buses that we did on an experimental basis, to try to get away from the dependence on diesel. There were a few gasoline buses that we acquired from Key System, but we got rid of those before too long. Diesel is more efficient and less costly, and it doesn't produce any carbon monoxide as far as smog is concerned, but they have the particulates that you read about, complaining today. Buses and truck that use diesel--they have the particulate that is bad for people's health. But they don't produce the smog that the gasoline engine does.

McCreery: But there was an attempt to try different kinds of buses early on?

Nisbet: Yes, that's right, as time went on.

McCreery: Well, to finish up about Mr. Worthington, how effective was he at being a liaison with the state and the Public Utilities Commission and so on?

Nisbet: He, of course, had appeared before--in his previous jobs--the Public Utilities Commission, and he knew the ins and outs there. He'd prepare statements and

documents and arguments when they were getting into various issues. As I say, he was adequate, at least, and maybe, compared to other areas, a good general manager.

McCreery: Did he give you free rein to pursue the legal area as you saw fit?

Nisbet: Yes, he relied on me, I think, on that area, particularly in Sacramento, with the legislation from time to time, and the opinions. I felt he resisted my efforts to get the specs changed so that we could get competition, and we argued over that a little bit.

McCreery: Can you think of a specific example of that?

Nisbet: Well, no, not exactly. The other companies sometimes had a different engine. I think it was engines sometimes were transverse, and one--I remember that--buses would come this way and this way [demonstrates], and General Motors, I think, was crosswise, and he felt that was important.

McCreery: You're talking about the direction the engine would face?

Nisbet: Yes, and how you could get at it to be maintained and worked on and stuff. And he felt that was important. One of the competitors--I think it was Flxible--did it the other way. But the board has money to do the right thing. And, of course, General Motors, to be frank about it, wined and dined the board members from time to time. And so did Flxible and the others, but General Motors particularly. I remember you'd go to the conventions, the American Public Transit Association--why, they would always have a party for the board members. Some of them were influenced by that, I think. Somebody said if you can't eat it or drink it or smoke it in one day, then it's a bribe. [laughs] If they give you more than that [laughs].

AC Transit's First Board

McCreery: I'd like to talk about the early composition of the board itself. Now, I ran across a resignation letter from Clair MacLeod [first board president] dated December 1st, 1957.

Nisbet: Yes, he left to be on the BART board.

McCreery: To be on the BART board. I see, okay. So he was technically, though, the first board president.

Nisbet: Yes, I'm sorry. Bob Barber was there when we first took over in our early days. Yes, you're right. I'm sorry. He was the first president of the board, and then Bob Barber took over.

McCreery: Just for a short time, though, it sounds like. I was just trying to get at Clair MacLeod's reason for leaving.

Nisbet: He was mayor of Piedmont, quite active in Republican politics, and active in the meetings that we had from time to time, very close to Senator Breed. I think he was helpful in getting Breed to go along with what we were doing, particularly the controversial things of the taxing power and the labor provisions. The taxing power was another thing of going back to the law that Berkeley and the other people objected to. We had an unlimited power of the board to levy property taxes, not knowing [Proposition] 13 would come along. And the League of Women Voters, for example, opposed the creation of the district for that reason, which is rather interesting. They later became great supporters of the district.

McCreery: Yes, it sounds as if the league was vocal and quite involved in this, even early on.

Nisbet: Yes. They came to early meetings and would attend the board meetings quite regularly, but then they got interested in other things. I don't think today or recently they've taken that much interest. Harriet Siegel Nathan was very much involved then as well as now in the league. She was a classmate of mine at Cal in 1941.

McCreery: Okay. So it was not the taxing power but the unlimited taxing power that they objected to?

Nisbet: Yes, their main objection. They thought there should be some cap on it or some tie-in with no more than a certain percentage of the city tax or something. But they didn't abuse it up until 13. Our board used it modestly, in my recollection, the three-, four-cent level, area, until Prop. 13 came along.

McCreery: Well, as you say, Clair MacLeod resigned to go over to BART, and then Bob Barber became the board president. Now, give me a little bit about his background and when you got to know him.

Nisbet: Yes. Well, his first wife, Betty Barber, was at Cal when I was there in the late thirties and forties. She was Class of '42, and I was the Class of '41. I knew her vaguely then. Well, we got to really know each other in Hastings [College of Law]. He was in my class at Hastings, Class of '48, and got to know him and his wife then. He was practicing law in the East Bay here after he became a member of the bar.

Then we'd meet socially, and when I worked on the transit district I suggested that he run, and he did, and he was elected. Then, as I say, he became chairman of the board. He was a Democrat, a liberal Democrat. Betty and Pat were quite friendly, and we would see each other quite often. Their kids and our kids would get together, went to camp together and that type of thing.

Then he was involved in politics, and he was living in Kensington, on Yale [Street], and heard there was going to be a judge vacancy in Oakland. So he moved to Oakland, and Governor Edmund G. ["Pat"] Brown appointed him to the Superior Court, at which time he felt he finally had to resign from the board. That was in the sixties, somewhere in the sixties.

McCreery: Okay, so he went on to a career as a judge?

Nisbet: Yes, career as a judge then. We still continued to see them quite often. Then they split up, and Betty moved up to Mendocino and Bob remarried down here.

McCreery: Then the other board members at that time. I see William Bettencourt was vice president.

Nisbet: From San Leandro. I'm trying to remember his business. He was in some kind of business. I can't remember now exactly what. But he was quite a supporter of the district and continued to be reelected. Jack [John] McDonnell was on there. He was McDonnell's Florist. He owned a florist company. And Ray Rinehart was an auditor, a tax man. The three of them were quite close and were Catholics. They were quite close in their personal relationships, and on board matters they usually always were together. Bob Barber was somewhat independent of them. And, of course, Arnold was the maverick. And Paul Deadrich was on originally. He moved up to Sonora or somewhere like that, and he left. He was somewhat independent, too.

McCreery: You are mentioning two that were independent. Was there any kind of an alliance that tended to go against the bloc of Bettencourt, McDonnell, and Rinehart?

Nisbet: No, no. Arnold was the only consistent one who opposed that group. Bill [William H.] Coburn [Jr.] came on early. He took Clair MacLeod's place. He was an attorney, and he had ambitions to be the attorney for the district and later on tried to be the general manager. He didn't succeed in either of those efforts. He was a conservative Republican attorney, but pretty sharp. He would generally go along with the McDonnell group--he'd make the four. Those four were a pretty solid four on the board.

McCreery: Coburn would, with the others?

Nisbet: Yes, he went along with them. There was a vacancy when Paul Deadrich left. They went through the charade of having people apply, and they'd interview with these people and all of that, and then they appointed one of their buddies, one of their fellow churchmen, Godkins, to the board, and he had no background or--nothing that would have given him any reason or background to be on the board, as compared to some of the others they did interview. Anyway, he was defeated the very next time he ran. And that's when Nakadegawa, Roy Nakadegawa, who was another maverick, got on the board. He's still a maverick on the BART board.

McCreery: Yes, I gathered he is. But he came in this succession of people after Deadrich and Godkins.

Nisbet: Yes. And then--when did Michael Fajans come in? And then we had a lady, Japanese lady.

McCreery: She's now Mrs. Kitayama.

Nisbet: [Kimiko] Fujii, yes. And she was very nice.

McCreery: Okay. Well, I have one more here from the early list that I don't think we mentioned, and that's Robert M. Copeland?

Nisbet: Oh, Copeland, I'm sorry. He was one of the--that's right, he was part of the four more than Coburn was. Yes, he was a retired army engineer, lived in Kensington, and knew [Louis] Stein, a fellow by the name of Stein, who ran the drugstore up there in Kensington. Stein had a long history of interest in transportation. In fact, his documents, his pictures of the early days of when the streetcars ran and two trains came down in Berkeley--he has all those. I think he's passed on now. He turned [the pictures] over to the Berkeley Historical Society. Louis Stein--if you talk to the people at the historical society, his collection, if you need any documents that you want in the library. Copeland got his interest in transit from him. But Copeland was very close to Coburn because he couldn't drive, and Coburn would take him, driving back and forth to meetings. Lived out that way, up in the hills. Yes, I'm sorry, I had forgotten. But those were the four--and five, to some extent, with Coburn--that voted pretty well together. But, as I say, originally Barber and Deadrich and then, of course, Arnold were the ones that took a little different view in the early days.

McCreery: Yes, let's talk a little bit about Mr. Arnold as the main "opposer." You loaned me last time an issue of this little pamphlet that he would put out periodically, called "Transit Truth." In this particular case, this was preceding an election, when he was suggesting that Mr. Barber should be overthrown. Just tell me a little bit about how Mr. Arnold operated on the board.

Nisbet: Well, you know, he behaved himself as far as not disrupting the meetings, but he would vote against most of the acquisition of the General Motors buses. The other thing that came up, which several board members supported, was trying to save the Grove-Shafter rail line. There was a rail line that came down Shafter from up in the hills, if you remember, clear down to 40th Street. He was eager to see that that right-of-way was preserved, and the board, on a split vote, did decide to look into it.

I checked out some of the records, and Worthington or whoever was manager at the time also checked it out and said, "We're not going in the rapid transit business. What do we need a rail line for?" He felt that in case we did want to supplement whatever BART did, light rail line or something, we should keep the right-of-way at least, for future possible use. So that failed, sort of faded out when the powers that be decided they were going to abandon that railroad. It's paved over. You wouldn't know that at one time was a rail line down there.

McCreery: What did you think of Arnold's position on that case?

Nisbet: Well, in some cases I personally agreed with some of the things he was trying to do, particularly the fight on the bridge rails and things, but I don't agree with him that Bob Barber was particularly in the employ of the General Motors conspiracy. At the time, we wanted to get started, and General Motors really had the only real viable buses that we

needed to get our service going. So I think he was over-critical and a little maverick. To the extent that he was, he didn't gain much support because it was always: "That's Arnold," you know?

But he would come, in his rather disheveled clothes, to the meetings, and he would never fly to the American Public Transit Association meetings in Chicago or New York. He'd take the train. Then he wouldn't stay at the expensive hotels. He stayed at another one. Anyway, he was a real maverick in a lot of ways. He was also known in Albany for some of the city matters. He ran for city council. Lost, too. He was just different as far as I'm concerned, more rabid on the point of our transit district going into the rail business and trying to save these rights-of-way and all of that, and not run buses, but run regular light rail or regular rail. But on other things he would go along with the district, like fighting the charter thing.

The signing of the transit district law, June 17, 1955. Seated: Governor Goodwin Knight. Standing (front): Senator Arthur Breed. Standing (back): William Sparling (Manager of the Oakland Chamber of Commerce), Frank Dillon (Vice President, Electrical Workers, Local 1245), Assemblyman Carlos Bee, Assemblyman Walter Dahl, Robert E. Nisbet (Deputy City Attorney, Oakland), Luther Lincoln (Speaker of the Assembly), and Vern Stambaugh (president of ATU Local 192).

Checking possible lines to be operated by the Alameda-Contra Costa Transit District are Attorney-Secretary Robert E. Nisbet and Dorothy C. Massie, the district's first two employes. The transit group has set up headquarters in the Hotel Claremont. —Gazette photo

Dorothy C. Massie and Robert E. Nisbet. (Photograph from the *Berkeley Daily Gazette*, October 31, 1957)

III AC TRANSIT DURING THE EARLY YEARS

Alan L. Bingham: From Public Information to General Manager

McCreery: I wanted to ask you, too, about another staff member who came on early in the district's history. The date I have is April 1st, 1958, and that's Al [Alan L.] Bingham, as public information manager. Tell me a little bit about him.

Nisbet: Oh, yes. Well, he worked for the [Oakland] *Tribune* for a while, and then he was with the Berkeley *Gazette* as a reporter, working for them, and then he got into a public relations firm. I can't remember what the name of it was. But he knew Bill Coburn and some of the others, and they hired him early in the game, as our P.R. man, along with Virginia Dennison, who was his assistant. Then he served in that capacity under general manager Worthington and then with Hensel. Hensel was the assistant manager under Worthington. He had come from back East somewhere and took over after Worthington. He hired Don White, who worked with him before Don White later became transit manager with the Golden Gate Bridge.

McCreery: Did he take over, then, upon Worthington's death?

Nisbet: Yes, he took over. And when Hensel left, they had another canvas, interviewing people, and anyway, they picked Bingham--there may have been somebody else after Hensel, before Bingham--to be the general manager. I personally wondered whether a P.R. man was appropriate, whether he had the experience and the background to be managing the system. But as the P.R. person he had gotten around and really learned the district and how it operated and all the departments and did a very good job in that respect, so he did know the district, but he didn't have the engineering or transportation background that you might expect that they should be looking for in a general manager.

But anyway, they selected him, and I can't remember what year that was. Does that show in there, when Worthington died?

McCreery: It says Mr. Bingham was named as general manager in 1958.

Nisbet: Oh, '58, yes. Okay. Hensel wasn't in too long. He didn't have the ability to get along with the board too well. He was a technician, but he didn't kowtow to them.

McCreery: Would he have liked the permanent job, do you know?

Nisbet: Yes, I think so, though he had other contacts. He went to Arizona or somewhere like that. He'd already made some contact there. He came with Don White, his assistant, who then later went over to the Golden Gate Bridge District and stayed there till retirement, as the manager of their bus system. They were sort of a pair. They had worked together in the Middle West. Both of them came to the district at the same time. He just had trouble getting along with the board, which a lot of later General Motors managers did, too.

I didn't realize it was that early that Bingham was selected.

McCreery: Yes. So he hadn't been on the staff terribly long at that point.

Nisbet: No, he hadn't. Personally I didn't say anything. I went along. But that was their decision, with Bingham being the person who could do it without his technical background. But in a lot of ways the general manager is a public relations person. He has to get along with the board and the public and appear before committees and the legislature and the public and stuff, and he did well at that.

McCreery: Do you know how other staff members felt at learning he was appointed general manager?

Nisbet: I think there was--especially those that came over from Key System--not the top management, but the other ones down the line a ways felt that he didn't have the experience. But they didn't express themselves. I mean, they were loyal to the district, having made the decision. They worked with him, and it worked out pretty well, except in a few instances, which I'll get into later, about the hiring of women, among others.

The name escapes me, but one of the top management people--have you got--somewhere there's a list of the--

[tape interruption]

Nisbet: Harold Davis. I think he felt he should have been--they interviewed him--that he should have been the general manager. But he was a carry-over from Key System, one of their loyal people, and some people, like Arnold and others, said we shouldn't have taken him on, that we should have cut the takeover of personnel below him. He was part of the old gang. But anyway, he was there.

McCreery: Did you have a firm idea, yourself, of what you thought should happen?

Nisbet: Well, you know, I was involved in the legal end of it and all the machinations going on in Sacramento, so I just let the board make their decisions. You know, I felt that they

should have had somebody with more background in transit to be manager than Bingham, but Bingham was not only a P.R. man but a consummate politician. I mean, he knew the board members, particularly the four or five that ran the district, quite well. He'd socialize with them. He and his wife would go to dinner with them and all of that. He ingratiated himself with them and convinced them that he could do the job. And he did an adequate job, I think. Since we had fairly capable people below him that knew the technical part, he was able to do it.

McCreery: You mentioned people below him. I wonder, as an administrator, what was his style in setting up the whole office?

Nisbet: We had weekly meetings, staff meetings, and sometimes it would be technical stuff that I wouldn't be involved with, but most of the time I was involved. He'd get testy at times, when things weren't going well, or with the head of the operating department or the safety department or the maintenance department. He expected them to do their job properly, and most of them did pretty well. So he rose to the occasion, I think, and I thought did a pretty good job.

McCreery: Now, I wonder, how did this change affect your work?

Nisbet: Well, not much. The only thing was that--I mean, I could call on Bingham to make good statements and presentations, but I couldn't call on him when we went to the legislature, on the technical parts. You know, when you get involved with safety records and what we were doing about a series of accidents, or that type of thing. You had to go down the line a ways to get other people, but as far as hearings before the Metropolitan Transportation Commission and the legislature and our Regional Transit Association--a group of all the operators in the Bay Area would meet periodically and talk about mutual problems--he was good at that and held his ground and AC Transit's ground quite well.

Hiring Women Drivers

Nisbet: But [Bingham] got a little hard-nosed on things where he might be wrong, legally and otherwise, and was obstinate, I think, in some cases more than he should have been. One was the hiring of women. I don't know whether you want to go into that now or not.

McCreery: Sure, why don't you?

Nisbet: Key System, when we took over, were not hiring women. Hired some during World War II because there weren't any men around, but all the women bus drivers were really old, having come on during World War II. They hadn't hired any for years, and he kept that policy up. I told him--and he didn't appreciate my [advice]--I said, "I don't think it's going to stand up legally." They had tests, like lifting fifty-pound weights or something, and the women just couldn't do the job. And I gave him my opinion that I didn't think if we were challenged that it would not be upheld. But anyway, he was stubborn and said,

"Well, we're not going to"--I don't know whether he said "over my dead body," but he said he's not going to have any more women bus drivers.

Besides, he said that the union, the seniority list would require new drivers to operate in west Oakland, in the worst districts to start with because they'd be low on the seniority list, and we don't want [women drivers] there. But anyway, then they filed a suit against the district, Pate vs. AC Transit. I had attorneys in the office then that handled the case before Judge Orrick in San Francisco. It went on and on, and we had this woman attorney that we hired--I can see her face; I can't remember her name now--but we thought that was the wise thing, to have a woman attorney representing our side.

But it cost a lot of money, and then we lost the case, and Judge Orrick came down rather strong that we had to have a goal of hiring 39 percent women--that was what the women were in the work force at that time--and stop our practice of not hiring women. We could have avoided if they had listened to me, and in the opinion of other transit operators.

McCreery: Do you remember how that issue first arose, though?

Nisbet: There were women that applied and were turned down, and several of the women who were driving for us had daughters who wanted to be bus drivers, and they were turned down. And besides, the factual situation was such that here we had these women that had been drivers and ready to retire. Obviously, women could drive the buses and were driving the buses, but they weren't hiring any more, so it was a losing proposition from the beginning.

McCreery: Yes. Do you know if any other transit districts had taken up the issue of gender at that time?

Nisbet: Yes, yes. The BART had to take it up, but they early in the game agreed that they would hire women. I think Southern California Transit District fought it. I know Long Beach [Transit District] did. They had a suit against them that they lost. There was a common thinking among the transit operators that women just shouldn't be bus drivers.

Bingham's concern turned out to be somewhat true when we started to hire the women. They were put on the worst lines because of their seniority, and some of them quit, you know. We had a hard time keeping them. I think even today they have a hard time keeping up to that [percentage]. They still have to abide by it--I think that's gone now, the requirement of 39 percent. But, on the other hand, a lot of women drivers are very good, very conscientious. But that was one item of his stubbornness that was wrong.

Views of Early BART Plans

Nisbet: And then Bingham's antipathy, more than the rest of us, to BART came up. I mean, he and Bill Stokes, who was the general manager of BART at the time--they didn't get along too well. Somewhat rightly so, he felt that BART was hogging the field and not cooperating to work with us to, as we said, "maximize the use of public transit." Instead, they wanted to monopolize public transit and have us as a subsidiary to BART, which we didn't think was proper, and we certainly resisted. And that, to some extent, is still going on today, with their free parking and not encouraging the use of public transit for the entire trip, and not working out a free transfer or proper accommodation in that respect.

The Metropolitan Transportation Commission is attempting to get more coordination and from time to time is somewhat successful in doing that, but that resistance there--I ran across a newspaper story about BART trying to say they should take over AC Transit. Of course, they weren't successful, but that was proposed at one time.

McCreery: It sounds like the *San Francisco Chronicle* suggested that it ought to be the other way around in an editorial of August 13, 1970.

Nisbet: Yes, right. Well, that was one columnist in there, you know, yes. If BART hadn't got that 60.1 percent of the bond issue, he was saying. Well, you know, it's all over the dam now. Can't ring that bell.

McCreery: That certainly shows the level of controversy at the time.

Nisbet: Yes. And it's still--rumblings of this keep going on, about the role of both, what should be done. I still think our concept that we should maximize use of public transit, whether it's all bus, part bus-part rail, but not this trying to encourage auto driving part way and then taking BART and not utilizing the service. They said the service is poor and it doesn't run often enough. Well, it doesn't run often enough because they don't have the money, and we've got to work out the distribution of the subsidies and everything else to overcome that.

The DeLeuw Cather Public Transit Law Plan, 1958; District Office Locations

McCreery: Okay. I'd like to draw you back again, way back to 1958, the year that Mr. Bingham became general manager, and just to talk about some other events of that time. We've made some reference to this hefty volume, the DeLeuw Cather public transit law plan. I wonder, to what extent were you involved in issues of preparing this report of August '58?

Nisbet: Mainly it was done by the engineering firm and our staff working out all the details, the technical parts. The legal parts were subsidiary, and I didn't get into it that much, just

knowing about it and hearing about it and going to some of the meetings. Of course, when they went to explain it to the Public Utilities Commission or on several occasions to the legislature, the legislative committees, why, I would get involved. But the technical part and the details of the plan, I wasn't that involved.

They took what Key System was doing and planned new routes and more frequent service and better equipment, and that was what they planned in there. A lot of it, or some of it, was improving the transbay service, which of course for them was drastically affected when BART came in. Now it's relegated to a very small part of the service.

Also, the transbay service was the more lucrative. I mean, we almost broke even on the transbay service, while the local service had to be heavily subsidized. When we lost that, we lost revenue sources, and when we lost Prop. 13, the taxing power, why, it became very difficult, and it's still difficult today. We get about 25 percent out of the fare box, and we have to get the other monies from somewhere else.

McCreery: It's interesting that one was so much more lucrative than the other.

Nisbet: Yes. Well, the runs are short. They don't go through the streets; they don't have all the problems of dealing with the traffic. Once you get on the bridge and back and forth, and the terminal we got free. We didn't have to pay for the use of it. There was some maintenance thing that we paid for it, but--before BART it was carrying quite a few people in transbay service.

McCreery: Yes. Now, I note this DeLeuw Cather report contains forecasts up to the year 1980, which was more than twenty years away at that time, and their recommendation was for a $16.9 million bond issue, and of course the eventual vote was on $16.5 [million]. Do you remember much about the financial ups and downs?

Nisbet: Well, my recollection is that the $16.9 [million] was the first bond issue, wasn't it? That failed. And the $16.5 [million] was later because we were serving less area.

McCreery: That sounds right.

Nisbet: I mean, that's my recollection. I could be wrong. As I say, the details and the determination of the amount and all of that was not my bailiwick, and the DeLeuw Cather firm did that, together with the staff of the district, coming up with those estimates. They carried it out fairly well, what they said they would do, but of course, as soon as BART came in it had to be somewhat drastically modified.

McCreery: Okay. Now, at some point the district moved its offices to the Plaza Building on 16th Street in Oakland?

Nisbet: Yes. Well, first we were in the Claremont Hotel. Then we went down to 1106 Broadway, which was the old Key System building.

McCreery: Yes. Tell me about that.

Nisbet: It was a big old windy place. I didn't like it very well. Anyway, a little vignette: Chet Soda, I think was his name, had owned the building. He wanted us to buy that building. That was one decision they made that I agreed with. There was a lot of pressure on them and a lot of lobbying by Soda and his associates with the board members. In fact, Bob Barber tells the story--and you might ask--make a note of this, if he remembers--that Soda came to him, took him to lunch, and said, in effect, "Who's the bag man?" You know, in effect, where do I leave a little contribution to get you to consider my building--so that turned Bob Barber really against buying the building.

And then we rented space on 16th Street. That remained our offices until they built the new building, which they hadn't moved into when I retired, on Franklin Street. But that old Key System [building is] still there, but I think it's got earthquake problems and everything else. I don't know what they're going to do with that 1106 Broadway one.

There are still some of those characters around, even though they're no longer operating. Yes, he was connected with Key System, he or his Bay Area Transit or whatever the name of the subsidiary that owned the building. They were the ones trying to palm it off on the district. They didn't go for it. So that was an interesting vignette on that score.

Then we were on 16th Street all the time I was working there, and when I was general manager we were on 16th Street. I didn't get to move into the fancy new building.

Transit Legislation to Form District

McCreery: Also thinking about 1958, this time period we're talking about, Pat Brown, of course, defeated Senator Knowland for the governorship.

Nisbet: Yes, you heard that story, about how--politically, what happened?

McCreery: Well, I'd like to hear it from you.

Nisbet: Okay. Goodwin Knight was the Republican governor of California. Knowland was United States senator and owned the *Tribune*. For some reason, he decided he wanted to come out and be governor, so he just told Goodie Knight to move aside and not run for reelection. His forces were bigger and better in the Republican party than Goodie Knight's, so that's what happened. He got the Republican nomination to run for governor.

Well, that, I think, turned a lot of people sour on the Republicans, and so Brown, who was district attorney in San Francisco, senior Brown, ran and won, mainly because of--the state was still Republican at that time, more or less, and Republicans had been winning most of the races for governor and senator, but that tactic of Knowland's did him in, and Pat Brown was elected governor.

McCreery: Well, I wonder what effect that change had on the district operations, if any.

Nisbet: Well, not a great deal, but I personally felt that the governor then was more sympathetic to public transit. It was part of his program to encourage and finance public transit. So during those early years of Brown, and the legislature went with Democratic, we got several bills through to get subsidies, including SB 325, the one [sponsored by] James Mills, who was president pro tem of the Senate. We started with Brown, but then when Reagan got in, why, we got it passed.

But the aura seemed to be better for a public agency like ours to do better in Sacramento. We had a receptive ear, particularly on that charter bill that we got Brown to veto. Take our charter business away from us.

McCreery: Now, did we talk about that?

Nisbet: I think I did. Assemblyman John Knox put it in. East Shore Lines wanted to take our charter business away from us, and they got it past the Assembly with no problem and then the Senate--I told you about my classmates, that vignette, and then Governor Brown vetoed it. Yes, the atmosphere was more favorable to transit in general. But, of course, Knowland was still owner of the *Oakland Tribune*, you know. He helped in the early stages of our district. But overall I think he was more conservative and less liable to support subsidies for transit than the Democrats and Governor Brown.

McCreery: I wonder if there was anything more to say about the agreement in 1960 to pay the amount $7.5 million for the Key System.

Nisbet: Of course, there was no way we were going to just sit down in a back room somewhere and agree on it. We filed a condemnation action under the state law. Any utility that's subject to the Public Utilities Commission--you don't file in the courts; you file with the Public Utilities Commission for condemnation, and they set up a special hearing officer to hear the facts and presentations. And we had DeLeuw Cather and several other experts.

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Nisbet: In this respect, Worthington, himself, and also some people that he knew presented fairly good evidence that the value that Key was putting on it was too high. But we were going around and around, and finally it was getting expensive for both sides to proceed with the hearings, and we settled on $7.5 million, which was reasonable, except as a citizen, as distinguished from working for the transit district, I felt they glossed over the fact that we also assumed the pension obligations to the Key System employees, which was sizeable. Worth a million and a half, maybe two million, I don't know. It was an unfunded pension plan.

McCreery: But you were kind of stuck with that?

Nisbet: Yes, we were stuck with that, especially with the unions being so directly involved in the creation of the district. But it was--maybe Arnold was right, that we paid too much, but I think under the circumstances it was a reasonable price, and it permitted us to get started and get into operation.

McCreery: Last time we mentioned briefly that there was discussion of the possibility that the state should be able to seize and operate the Key System in the event of another strike. Did that enter in?

Nisbet: Yes, that was part of the discussion that the city attorneys, these meetings that we had before the creation of the district. One of the alternatives was to have a bill that would permit the seizing of it. Then it was pointed out: Well, then, who would operate it? And you'd get a private company to operate it, and you subsidize that private company, and you subsidize Key System, and--you know, all of that.

And then, of course, the Dubovsky case pointed out--we didn't have to face the fact that if the court had ordered the seizure, then what do you do? Who operates it? We didn't get to that point, which would have been interesting in itself. That was one of the alternatives that were discussed, rather than setting up a whole new bureaucracy, a new district. But you couldn't leave it loose like that. You had to have some organization, so why not create a transit district that would have the ability to operate as well as take over from Key System, which is what they finally decided to do.

I told you earlier that one of the earlier studies, the '47 or '50 report, revealed the current agencies that legally could operate transit without a new agency being created. East Bay MUD was one, and the Toll Bridge Authority. The Toll Bridge Authority had a right to operate within twenty miles--I can't remember--outside the bridge. Outside the bridge area they could operate transit. But neither of them were eager at all to get in the business, and so that was discounted as a viable alternative.

And that sort of was the reason that we started with the East Bay MUD Act as the basic format for district provisions, with all the changes that we put in, including the taxing, the board members, the size of the board, members elected, and the labor provisions, which were unique, new, different provisions that we got into our act.

McCreery: I was sharing with you last time a little excerpt from Senator Breed's oral history, in which he talked about the fact that there were those who were trying to force the sale of the Key System as part of the deal, and how vehemently he opposed that.

Nisbet: He did oppose, but he didn't disagree--in fact, he encouraged what we were doing in filing a condemnation action, where it would be determined in a judicial manner what the value really was and not just a back room deal. There was no way we were going to make a back room deal. Arnold says that's what we resulted in doing, that we should have fought the condemnation action to the bitter end and let the courts or the PUC decide it, but--

McCreery: And ultimately you thought that the $7.5 million was a fair price?

Nisbet: Yes, we discussed that with him before we settled it, yes. He said, "Those bastards shouldn't get nothing." But you have to give them something. He thought that was reasonable, to get them out of the picture.

Taking over the Key System, 1960

McCreery: Well, I know that you were working in the legal area, but I wonder, do you have much knowledge of the practical issues of taking over the Key System in 1960?

Nisbet: Oh, well, yes. I mean, just first deciding which one of the Key employees we were going to take over and which we were going to leave off. Harold Davis was right on the borderline. He was kind of gruff and pedantic. I don't know what the word is. A loud voice. I'll never forget one time somebody came into the office and Harold was on the phone, and he heard him talking, and he said, "Who's he talking to?" I said, "He's talking to" whatever the name was. He said, "Why doesn't he use the phone?" [laughter]

Anyway, he got--I never did know, to this day, being a little naive in these things--there was some hanky-panky going on with he and another member, a lady on the staff there. He was married, and he had--and anyway, he got sick, cancer or something, died, and there was never any memorial, never any heard any more about it. Kind of strange. I never to this day knew what really happened.

McCreery: But you're using him as an example of someone that was on the borderline in terms of whether he should be included in the new district operation?

Nisbet: Yes. And, long after we got it in operation we felt that he was still carrying on in the old Key System manner, especially when it came to labor relations and other things, because he was in there fighting labor. We had some strikes that might have been avoided if he hadn't been involved in this type of thing.

McCreery: Were there other examples of that, people who were involved in the old system who--

Nisbet: No, he was about the only one. E. Sam Davis had worked for them at one time, and then was with us, but he did his job. He was the one that prepared documents for the PUC and kept the records and statistics on revenue projections, this type of thing. He was from Key System, and I felt he did a good job. Harold's style and mine were just entirely different.

McCreery: Who else came over from the old system, in administration?

Nisbet: Where's that list? Walter Oeding was the auditor type. He came over. And George Taylor didn't come over from Key, but he was from the Chamber of Commerce. And the others--Tony Lucchesi was the maintenance man. He came over from Key. I think he

was a very capable maintenance man, very well liked by everybody. He isn't listed here. I don't know why. Well, that's right. We hadn't started operating yet.

McCreery: Now, we talked a moment ago about one issue regarding hiring drivers, and that was the issue of women drivers, but I wonder, at the time you first took over from Key, what happened about bringing drivers over from the old system?

Nisbet: Well, yes, that was part of the arrangement with the union. We would take over all the drivers that were there and preserve their seniority and in hiring new ones, they would have to join the union or pay what they, the union, call--in lieu of dues, they'd pay something if they didn't want to actually be a member of the union. They had a closed shop, in effect. So they all came over, and then with their seniority rights. But because we enlarged--you know, we started serving new areas and getting new equipment--we did hire more bus drivers as well as other employees soon after we got started.

McCreery: Who was in charge of hiring drivers and all that sort of thing?

Nisbet: Well, Harold Davis had a lot to do with it, and Tony Lucchesi in the maintenance area. We had a personnel department. A fellow named [Leland G.] Skilling was in the personnel department. They reviewed the applications and made the decisions. Of course, the keeping the records and then the reviewing the accidents records and the DMV [Department of Motor Vehicles] records of everybody, to be sure--they had to have a bus driver license.

And there's a training program. That was quite important. That was one of the areas that we beefed up when we took over, was to have the training a little more intensive and more, hopefully, public oriented.

McCreery: Did you have any direct involvement in the training?

Nisbet: No, except a few occasions I'd go and talk to them about some of the new traffic laws and safety things.

McCreery: But, as you say, a training program for a public system was a bit of a different thing.

Nisbet: Yes, that was the point, that you're public employees now and also pointed out the difference, what a public employee means as far as your responsibilities to the public are concerned. I don't know whether any of them listened, or if they felt there was any difference or not, but I remember doing that.

But the firing and disciplining is still a problem, was a problem then, of how we set it up. We had an arbitration provision that if they didn't agree on the thing--had an internal committee set up on that, and then the union had a right to appeal. I felt the union would support the employees who had goofed up or had done something really bad. They always backed them up, and they didn't work it out as amicably as far as what the discipline should be.

McCreery: You're speaking now of which union?

Nisbet: The Amalgamated Transit Union [ATU] was the main one. They had 90-something percent of the employees. We had a small contract with the International Brotherhood of Electrical Workers [IBEW], which of course, when the trains are running they have a sizeable number. Then it became just a few in the operating department that dealt with electrical things. But mainly Amalgamated Transit Union.

But Harold Davis was one of the main ones that sat down with the union and tried to negotiate contracts.

McCreery: Was there much difficulty in establishing the first new contract with the union?

Nisbet: Not the first contract, no. That was easy. But we had a strike in--when I took over from Bingham, they were in the middle of a strike, and they settled shortly after I took over.

McCreery: Nineteen seventy-four. So that's quite a bit later.

Nisbet: Yes. I think we managed to avoid a strike up until that point, after we took over.

McCreery: Okay. But the initial transition from the Key System, in terms of bringing the drivers over and the other employees--

Nisbet: No, they were all working together, because they were happy that we had taken over all of them. But we had one big arbitration--the "hop, skip, and jump" provisions Neyhart got in there. We went to arbitration, and Coburn was the arbitrator. I didn't participate directly except at the end, when they were drafting the contract.

McCreery: What is the "hop, skip, and jump" provision?

Nisbet: Well, that's what I'm trying to remember. It was because of Muni's [San Francisco Municipal Railway's] operation that we agreed to come within a certain distance of what they had done. In the meantime, they had increased theirs, and we argued for the arbitrator that we were only required, to be reasonable, to come up to what Muni had before, and they said no. They ruled against us. So, as a result, it was a big jump in their pay and it became quite expensive.

I thought it was a poor ruling. We talked about whether we could appeal the arbitration decision, since we'd agreed to arbitration. Once again, the courts wouldn't review it, and it [had to be] a complete violation of all reasonable procedures, and outrageous beyond all doubt, before the courts would get into it, so we were stuck with it. I can't remember what year that was.

But basically our labor relations were pretty good after we took over, but we did have some future labor disputes, and strikes.

McCreery: I know you had worked so hard on the issue of collective bargaining, at the outset, when you were designing the law and everything.

Nisbet: Do I have second thoughts about it? [laughs]

McCreery: Yes. That's what I'm getting at.

Nisbet: Well, not really. I think that you don't change the nature of the beast, from a private operation--which was all subject to collective bargaining and unions and all that--when you take it over and operate it as a public agency. That's now been the case in transit throughout all of California. They all have contracts. But in the old days it was civil service and set in that way, and negotiating.

No, I think it was the right thing to do. And I don't know whether if we'd succeeded in keeping the compulsory arbitration clause in the law, whether that would have resulted in better labor contracts or more reasonable wages to be paid. When we took over, bus drivers and people in the trenches were way underpaid. They were below scale. But now they're up there, and Muni particularly, and it spills over and affects AC. It's a stressful job, but it doesn't require a lot of education and everything before that, and they're getting--you know, they're getting up to, in some cases, thirty dollars an hour. That gets--you know, they're well paid now. The emphasis is on the other side [more] now than before, especially the work rules, especially the absenteeism and the ability to not even show up and not even call in, in San Francisco, and not be disciplined, is a big problem.

McCreery: When you say the emphasis is on the other side, I'm not sure I know what you mean.

Nisbet: That in the early days, the Key System days, bus driving pay was down there at the low scale and looked down upon [as] not a very good job. Now it's more the elite wages, and especially minorities and others look to being bus drivers as really a good job to get because the pay is good and the fringe benefits are good. It's one of the higher unskilled--or skilled, you know--jobs that people could have in the area, which is not bad, but I'm just saying the whole nature of it has changed, to the point that some of the bills in Sacramento in later years attempted to put a limit on the amount of their subsidies that can be used to pay wages. You could get it for capital items, to buy new buses, or you could get it for other expenditures, but there were attempts in Sacramento, when the Republicans particularly had a lot to say, to limit the amount of the state subsidies that could be used to pay increased wages. That's not quite true now, you know--

With fringe benefits, we figured, when I left--I don't know whether it's gone up since then--in addition to their pay they get then 50 percent more for all their fringe benefits, which includes their health and welfare, and their vacation, and their retirement, and the rest.

McCreery: So it's a package with significant value over and above salary.

Nisbet: I think that's certainly more than a lot of industries and a lot of areas get, so--if they would live up to their obligations and not take advantage of absenteeism and that type of thing, and the safety things, and reinstate people who have bad driving records. The forceful collective bargaining and having tie-ins with the mayor and stuff, Mayor Willie Brown [that] they do in San Francisco. While I'm pro-labor generally, I think that they've overdone it a little bit.

Civil Service, Collective Bargaining, and the Right to Strike

McCreery: We will want to talk about that a little bit more. You know, when we were talking last time about collective bargaining and some of the issues you faced when you were first putting together the law and so on, you mentioned the consideration of a civil service, and I just wondered what you had to say about that.

Nisbet: What I had to say? Well, anyway, the East Bay MUD had a civil service system. You know, you put things out to bid, people take an exam and get selected. But as time goes on, even though they don't have it written in their law, they have agreements with their labor people. I don't think they sign a formal agreement. I don't know. I haven't followed East Bay MUD that much before. But their law doesn't have the collective bargaining provisions in it. So, as I say, we were the first public agency to put that in there, that the employees would have this right to sit down with the employer and discuss the wages, hours, and working conditions and put it into a contract, and that's in the law.

The thing that we got outmaneuvered on, to some extent, was the right to strike, got sandbagged by Neyhart to some extent on that, because the original law was that they'd have compulsory arbitration but no right to strike. They took out the compulsory arbitration provision and had discretionary arbitration, but the right to bargain collectively to work out terms of an agreement. Silent on the right to strike.

We argued that that meant they couldn't strike, because they were public employees, but the courts ruled against us and said that by giving them the right to bargain collectively, that it would be useless or ineffective if they didn't have the right to strike. That was the unpublished opinion, which I'm trying to find. I think I gave my only copy away.

McCreery: Well, are you in a position to compare with any other transit systems that may have set themselves up on a civil service model instead?

Nisbet: Well, the city operations around the state had a civil service approach: the City of Santa Monica, the City of Long Beach. But they too--well, the city charter doesn't call for collective bargaining. They've had to sit down and in effect bargain with their employees and write a memorandum of understanding. They don't call it officially collective bargaining, because the nature of the beast in a city operation, district operation, or

private operation is that the employees expect and the public supports their right to sit down and bargain.

McCreery: So you think the effect is the same?

Nisbet: Yes, but the effect--there was a time when city bus drivers and school district drivers--a lot of them are not organized, and they're either civil service and they theoretically don't have the right to strike, being public employees. But they do anyway, so it's a distinction without a difference, I think, that you have civil service versus collective bargaining. When you're dealing with people, janitors and, you know, all the working people down the line.

McCreery: But this district was something of a maverick in setting up those collective bargaining provisions.

Nisbet: Yes, it was. If you're going to do it anyway, like the cities found they had to, you might as well have the structure to provide for it. And then you can call in the [State of California] Conciliation Service. And now they have a cooling-off period. The governor can call a cooling-off period before they allow a strike. So all that has some bearing on the whole thing and gives a structure.

I will never forget, before we got the ruling that our employees had the right to strike, there was a strike--I can't remember what year that was--and I went into court to get a restraining order, and Judge Kroninger, who worked for us on the absentee ballot thing--he was an old friend of mine, a friend of the family's--issued the order that they had to go back to work and that they had so many days to comply, and if they didn't they'd be held in contempt of court.

But he called me back. We were still negotiating, and he called me back into court, and he says, "Have you cited for contempt any of the union officials and other people? I see they're still out on strike." I says, "No, Your Honor, we're still negotiating." "Well," he said, "I don't know. Maybe I should cite you for contempt, for not following out my order." He was going to put <u>me</u> in jail for not putting them in jail! [laughs]

But anyway, we settled the strike within a few days after that. And that's when they carried it up and got the ruling that they <u>did</u> have the right to strike. Anyway, those orders to go back to work when they're striking are kind of, somewhat useless. If they ever do it, what do you do, throw them all in jail and throw the union officials in jail? Keep it on the front page of the papers all the time?

McCreery: You're kind of in the middle on those, aren't you?

Nisbet: Yes. [laughs] That was interesting, to have Kroninger. But Neyhart, the attorney for the union, saved my--begging, he said, "Your Honor, we're meeting this afternoon. We're still talking about settling this."

Considerations for Contra Costa County

[Interview 4: October 11, 2000] ##

McCreery: We ended up our meeting last time talking quite a bit about some of the issues involved with taking over the Key System by the transit district and some of the points of bringing over employees and so on and so forth. You were saying you noticed in a report that it was really more Key System employees than you remembered.

Nisbet: I had remembered that we took over all of the union employees, of course, all the bus drivers and things, but also the management people, except for the top three of the Key System management: the general manager and the assistant general manager, I think, and the comptroller. So the rest of them came over and were given the same benefits that they had under Key, we continued for all the employees.

McCreery: All right, we also wanted to start this morning talking about the portions of Contra Costa County being served in the new district.

Nisbet: Yes. As you remember, they were out because of the way they counted the absentee ballots. When we went to the bond issue, which passed, then they annexed back in through a procedure that didn't require a vote. It was actions of the city councils in the county of Contra Costa for the unincorporated areas. There was a period of time allowed under that statute for objections. There were objections filed, and they were turned down by the procedure in the court, and then they became part of the district.

Since we had passed the bond issue already and the rest of the area had, in a vote, committed to their role in paying the bonds off and being taxed, they had to pass several resolutions agreeing to become part of the obligation to pay off the bonds, so we felt then we could serve them with a service when they did that, which they did.

McCreery: And what was the role of your legal department, if any, in that decision to annex back in?

Nisbet: Well, we discussed and went out and talked to their attorneys, both the city attorneys in the cities of Richmond, El Cerrito, and San Pablo, and the county counsel's office, and assisted them in drafting the appropriate resolutions that the various political bodies had to pass. Then we had an opinion of bond counsel that we should help them issue the bonds to ratify the obligation of the cities by appropriate action that they took to assume their proper debt obligation, in which case then we'd inaugurate the service.

We had some discussions with them and made some changes in the type and nature of the service we were going to provide out there, beyond what we had originally planned before they were out of the district. But our original plan and the first bond issue, of course, excluded them because they were not in the district, so then our board had to act on what service we'd provide, and they had to agree to it before they annexed back in.

McCreery: Who was it that wanted changes in the type and nature of service for them?

Nisbet: Well, the people representing the cities of Richmond and San Pablo and El Cerrito. The personalities involved, I can't remember now. [Thomas M.] Carlson was the city attorney in Richmond. It was an amicable arrangement. I mean, we didn't vary much from the original plan that we had drafted, that DeLeuw Cather had drafted when we thought they *were* going to be in the district. We started from that and then made some modifications in light of their desires and everything, and that was all worked out amicably, between us, and then they came back into the district and have been in ever since.

McCreery: Do you recall whether those three cities in Contra Costa had any differences among themselves in what they thought should happen?

Nisbet: Well, not to a great extent. I think they all would like to have more service and more frequent service, but within the realm of the financial possibilities, why, that was worked out.

AC Transit publicity photograph with Robert Nisbet's children, circa 1950s. (Left to Right) Jeffrey Adkins, Kathleen Baer, and Christine Toscano

Photograph courtesy of Albert "Kayo" Harris & Associates Photographers

IV COMING OF AGE: AC TRANSIT DURING THE 1960S AND 1970S

Starting and Financing the New Service; Changes to the Board

Nisbet: Then we started the service, after we took over from Key System. The differences mainly were improvements over what Key was operating before, to the extent that we could afford that. Of course, we were also in the process of buying new equipment and going beyond--when that equipment arrived, then we would make some other service changes, since we had more equipment. But basically we started off with at least the service of Key System, and then we augmented it as we had the equipment and manpower to do so, according to our promises and our plan in taking over from the private operator.

McCreery: What were the main equipment concerns at the outset?

Nisbet: Well, the equipment that they had was old, had been around for twenty years or more. A lot of old gasoline buses, which were not considered very efficient, and then diesel buses. So we went out to bid. The first batch of new buses were General Motors buses. Then later on, down the road, we bought other manufacturers' buses. And then some of the improvements in the maintenance facilities. New bus stops and bus shelters were another thing that the cities, especially Contra Costa, wanted, so we worked on that and basically carried out the plan as we had promised the voters when we went to the bond issue, that we would do. In our district we extended to the Richmond and central Contra Costa area as well.

McCreery: Okay. Now, the September 1960 edition of *Transit Times* specified approving a property tax of 2.9 cents per hundred dollars of assessed value. I wonder, were there any differences needing to be addressed in terms of, again, the two counties and their tax situations?

Nisbet: Well, we sent out, of course, notices of our intention to do this in the board meeting, and the representatives came. There were some objections, if I remember correctly, but the levy was a modest one, and there wasn't any serious objection that I remember to levying that property tax. The first one, which was continued, increased a little bit over the years

until Prop. 13, and then we were frozen and couldn't increase it except a minor amount each year. I remember that.

McCreery: We talked a little bit before we started taping about the board representatives of the Contra Costa area, and I wonder if you could just--

Nisbet: Yes. Col. [Robert M.] Copeland, who lived in Kensington, represented Richmond and all that Contra Costa area, and then of course we had two elected at large, and they sort of also represented--but the main one that represented just that district was Col. Robert Copeland, who lived in Kensington, a retired army colonel.

McCreery: How did he fit with the makeup of the rest of the board, in your view?

Nisbet: Well, he was friendly and went along with the majority of the board, John McDonnell and later [William J.] Bettencourt, but he was mainly allied with Bill [William H.] Coburn [Jr.], who came onto the board after Clair MacLeod left the board to go on the BART board. Bill Coburn lived in the Berkeley hills and knew Col. Copeland and used to bring him to the meetings and things, so they were close, so they were allied. But basically, McDonnell, Bettencourt, and Copeland and Coburn voted--and in early days Paul Deadrich, who later was replaced on the board. They went along pretty well together, except [J. Howard] Arnold was the maverick that voted often against them. But on improvements and purchasing things, he went along, except he did object to the General Motors buses to start with. I think he voted against the original purchase of General Motors buses.

McCreery: But over time, these patterns were clear and perhaps even expected?

Nisbet: Yes. There weren't too many issues where they disagreed. As I say, the early minutes of the board show that they went along with trying to keep the rails on the bridge, and they also were investigating the use of the Grove-Shafter right-of-way, which Arnold was pushing. But when it came to expending monies or doing anything to actually purchase rights-of-way, they balked at that and they didn't have the money to do it anyway, so he was the only one that really pushed the Grove-Shafter thing that much, if I remember correctly.

McCreery: Did you have a personal opinion of what should happen on that?

Nisbet: On the Grove-Shafter? Well, to turn it into a right-of-way for transit would have been a very difficult thing, and expensive, and we didn't have that kind of money at the time to buy those rights-of-way. I felt that maybe the legislature or the Public Utilities Commission would have jurisdiction, could hold that right-of-way and not let it be sold off for private use or roadways, as it turned it, until all the plans for the rapid transit system were finalized. Whether we would be in the rapid transit business or BART would be in it, it would seem to be that some effort should have been made to preserve--like we tried to save the trains on the bridge, we should try to save that right-of-way for possible use.

But that didn't happen because BART came along, and they had their own plans for their own rights-of-way, and that didn't jive with the area that they wanted to serve, because they had the low-level route to Contra Costa County, instead of the Grove-Shafter, the one that would have gone higher.

McCreery: I'm going to turn now to the financial aspects of starting up and operating the district, realizing, of course, that you were the lawyer and not the general manager in charge of finance at that time. But I was reading about how the big $16.5 million bond was sold to a syndicate headed by Bank of America.

Nisbet: Yes. They bid on it.

McCreery: Okay. Can you just tell me a little bit about that process of selecting B of A?

Nisbet: Yes. Well, we put out a prospectus drawn up by DeLeuw Cather, and then we had a bond counsel of Orrick, Dahlquist, Neff, Brown and Herrington. The financial world has a way of having them bid on the bonds. Anyway, the Bank of America group--there were maybe three, if I remember correctly, combines of banks that bid on the bonds. Early in the game, the big effort is made to have your bond counsel get a high rating, like double A or triple A or A, and we got an A. That's because we had the taxing power and the other abilities besides the revenue from the operation to back up the bonds. And so that made them a high [rating]--that's why we got a low interest rate, because we were able to do that.

So then the boards met, and they opened the bids, and the Bank of America group was the low or high bidder, whichever way you want to put it, on the interest rate, so they got the award.

McCreery: Do you recall whether there was much behind-the-scenes maneuvering in the course of deciding that?

Nisbet: Well, what went on in the financial world, I'm not that familiar with, but the big effort was to get the right rating. Generally, transit--or bonds that deal with the revenue from an operation like that--are not looked on too favorably. But having the combination of that and the tax right, the general obligation tax rights, made them an attractive--that was just getting the word across and going through the formulas that you need to do got us a good rating and a low interest rate. At the time, it was one of the lower ones, for those first bonds.

McCreery: Was there much input from the public throughout all this?

Nisbet: No, not too much. A few people would come to the meetings and raise their objections, but most of the time everybody was in support: newspapers--as I say, the [Oakland] *Tribune* and even the chambers of commerce and the others were all behind it at that time. The League of Women Voters did object to the unlimited taxing power but didn't object to the tax rate that the board came up with. They felt there was no objection to

that. They just felt there should be some cap on it, which eventually turned out to be the case with Prop. 13.

McCreery: Yes. You're speaking of the 2.9 percent. So that rate, itself, was acceptable to the league.

Nisbet: Yes, yes. Well, they didn't object. Whether they privately--some people don't like any taxes of any kind. My recollection of those first meetings, there wasn't any serious objection to us getting started. Everybody was eager that we get the bonds passed and get them awarded and get the money and get started.

McCreery: That leads me to ask, what was the general atmosphere as the district was starting up?

Nisbet: It was pretty favorable overall. Arnold complaining about not doing more about the rights-of-way and about buying General Motors buses--at that time they were about the only ones that had a good bus on the market. Later on, we were able to get other buses.

McCreery: I wonder, did you have much sense of what you especially wanted to accomplish in those earliest years of the district's formation?

Nisbet: Well, it was to provide a better service than Key System did, and keep the fares at a reasonable level, and then play a role, what we could, in the overall transportation system, including whatever rapid transit program would come along. But it was mainly to run a first-class service and get people out of their cars into using public transit. And we succeeded. Our ridership started going up and up and up each year in those early years. When BART started the transbay, of course, our transbay rapidly dropped off because they were operating the transbay service to the East Bay.

McCreery: Let's talk about the fares for a moment. Was there much controversy about how much to charge at the outset of the district's operations?

Nisbet: I can't remember now, but we cut them a little bit from what the Key System was charging, its first fares, and kept those for a considerable time before we had to raise them. I think it was several years until we felt we had to raise them and not put the entire burden on the property tax payer, even though we had that right. We were somewhat constrained by what the union was charging. Then when BART came along, their rates were considerably higher than ours. We kept the fares low during those early years.

McCreery: I'm interested that you started out lower than what the Key System had been charging, and I wonder, was that a reason of wanting to make some sort of a statement?

Nisbet: Yes. It wasn't much lower, but I just don't remember now exactly how much it was. And we also started to provide more weekly and monthly passes and, if I remember, senior citizen rates and special student rates. We inaugurated those early in the game.

Other Bay Area Transit Districts and Agencies

McCreery: Okay. Let's talk about some of the other bus systems in the area. Now, what kind of interaction did AC Transit have with Muni, for example, in the 1960s?

Nisbet: Well, our first effort was shot down, that we not go just to the terminal in San Francisco but that we run our buses to different spots where people want to go, like the financial district or the civic center area. We ran into serious opposition from Muni and the San Francisco people that we should just go to the terminal and they would go from there. I mean, they had streetcars and buses going in and out of the terminal, and they still do.

But we early on started up a joint meeting, even before MTC [Metropolitan Transportation Commission] came along, of a regional transit association, which was composed of representatives from our district and Muni and BART and the Contra Costa operation and Sam Trans, San Mateo [County Transit], and the Golden Gate Bridge District, which operated in Marin County.

We'd meet periodically and go over mutual matters. Particularly when there was federal or state funds involved, we would have some heated discussions as to what the formulas should be and how we should get the money. BART wanted mainly money for capital expenditures, and the rest of us needed money to supplement the operating expenses, so that became a big issue.

McCreery: Can you think of an example?

Nisbet: Well, the money that came from the Transit Development Act, when we put the sales tax on gasoline, and we got [then-governor Ronald] Reagan to sign it and a quarter-cent of that was used--we called them TDA funds, which was then available for public transit. The early formula was based on the size of the operation, how many passengers you carried, and later restrictions came that only so much could be used for operating subsidies, and a certain percentage had to be used for capital [expenditures]. We argued about that.

The legislature, as it became more conservative and the labor interests in Sacramento became less effective, they got in restrictions that they felt if they just logically used it for operating costs that you would give in to the unions and give them too big a raise because you had this money available. Even Democrats like Leo McCarthy and others, and Jim Mills to some extent, felt that there should be some restrictions on how much could be used for operating costs, and if you exceeded that then you wouldn't get the money.

So those were the big arguments that we had to face. But, of course, Muni had in their charter that their unions would get the average of the highest two operating properties in the United States, so when they set their wage rate it was hard for us to be much below that. And the same, to a lesser extent, to the other operators in the area: San Mateo and Golden Gate.

The other area that the Regional Transit Association talked a lot about was coordination and inter-transfers, where you could transfer from one property to another.

McCreery: Was there actual duplication of service in these areas?

Nisbet: Well, that was a big argument between BART and ourselves. BART felt that we should cancel all transbay service, and we felt that wasn't in the interest of the public, that certain areas wouldn't use public transit if they had to take a bus or drive their car to a BART station, when we were running service from their area right to San Francisco. A lot of people worked around or near the terminal, and it was more convenient and more likely that they would use public transit if we continued to operate some service, especially from areas that BART did not serve.

On the other hand, that was one of the big changes we made that BART, we think, didn't appreciate that much, that we served a lot of the BART stations. When they came into operation, people could transfer from our service to BART and ride public transit for the entire trip. Our phrase, our slogan that [Alan L.] Bingham came up with, I think, was that we should provide the service that will "maximize the use of public transit," whether rapid transit service or bus service. We always seemed to get a little flak from BART on that, that we were competing with them, and we didn't feel it was competition.

McCreery: That's interesting, that BART was unhappy, it sounds like, that you were actually serving their terminals?

Nisbet: Yes. We cut back a lot on our transbay service when they came into operation, but we found that there were people in the Richmond area who weren't near a BART station and particularly Piedmont, in that area--you know, it's quite a ways from upper Piedmont and that area, Montclair, and stuff--to get down to BART by car. Parking is a problem. They appreciated the service. We inaugurated a special, extra-cost luxury bus from Piedmont for a while. They had amenities and coffee served and stuff it provided for a while. But anyway, that's still going on today about how much service agencies should provide, as distinguished from BART, to San Francisco. Now it's down to a very minimum. AC [has cut] way back on providing service to San Francisco.

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Nisbet: In connection with BART and AC Transit, there was a time when BART made an effort, I think, outlined in *Transit Times* or newspaper stories, that they tried to take over AC Transit and thought it should be absorbed into their operation, in which case we felt it would have dovetailed to rapid transit; it wouldn't provide the service to the local communities except insofar as it enhanced the BART operation. So we fought that and we prevailed with the legislature, so they didn't take over.

If they had taken over, would they have thought in terms of transportation in its broadest sense of providing the best service for the public, whether it was bus or rail, we don't know. But we felt that--and it's still the case today--that having the bus service in a separate agency is more likely to serve the public that needs that type of service as

distinguished from the rapid transit, which really is a commuter, upper-middle-class service to San Francisco and back.

McCreery: Yes, it's important to mention the class distinctions that go along with these different kinds of service.

Nisbet: Yes. And that's why it's a little sad to see--somebody sent me a chart, and I can show it to you. It's a coincidence, I'm sure, but the trend of ridership on AC went up and up and then dropped a little when BART started and then it started up again until about '84, '85. That's when I retired. And then it's dropped ever since. It's come back a little, with the increasing population and demand.

But the reason we took over from Key System and had the general support from all segments of the community, including the conservative chamber of commerce, *Oakland Tribune* types, was because they were cutting service and raising fares. What's happening today? Deja vu. They're cutting service and raising fares because their base of tax support, their federal and state aid is not that great, so they're having to do it.

Now, on the ballot this year is the Proposition B in Alameda County, which will infuse a considerable amount of money to AC Transit and the other bus operators, as well as BART, for some of the extensions in southern Alameda County. If that doesn't pass, I think it's going to be quite sad for public transit in the East Bay.

McCreery: Yes. You were mentioning RTA [Regional Transit Association] a few moments ago and the fact that BART always mainly wanted more money for capital expenses, whereas the other transit agencies were looking at operating expenses.

Nisbet: Yes, they all needed some capital, of course, for the buses and equipment renewal and all of that, but the big need was to supplement the fare box, which is--right now I think it's 25 or 30 percent is all AC Transit gets out of the fare box. BART gets 50 percent out. So they all need operating subsidies, but BART was in need of capital. A lot of the federal requirements--when they passed laws and they still do--[for] sizeable amounts of money for capital they required some matching local funds, and of course BART was scrounging around to get those matching funds. One way to get it was from these bridge tolls and then sales tax and motor vehicle license fees that we were able to get on the state level. That helped all of us match our federal funds.

You can imagine the type and size of the capital needs that BART would have would gobble up a lot of the funds if it were all going to capital; there would be nothing left to provide for operating subsidies for all the bus systems in the Bay Area, and we had to keep that service going, which we think is essential for the total transportation picture.

McCreery: Sure. And by its nature, BART is always having huge capital expenses, far different from any bus system.

Nisbet: Yes. Their needs are astronomic in comparison. And also these extensions are very expensive. Some of the extensions cost more than the original BART whole system cost

--about the airport and the one they're talking about in southern Alameda County now. So it's pennies and dollars, in comparison, when you get into that area.

So MTC then was created to balance all these needs and includes highways as well as public transit.

The Association of Bay Area Governments (ABAG); Regional Government

McCreery: Yes. I'd like to return to some of the early aspects of some of these other agencies, because that's exactly where I'm headed. I just wanted to set the scene a little bit around the time that the district was formed, both before and after. Richmond-San Rafael bridge opened 1956. California's big freeway and expressway system established by the state, 1959, says my notes. The Highway Transportation Agency formed, 1961. Another bridge, Martinez-Benicia, 1962. So that whole period of time, of course, a lot of highway transportation things and so on were under development as well.

I was noticing that the Association of Bay Area Governments [ABAG] was established in 1961. I wonder what you know about the genesis of that.

Nisbet: Well, all of the cities and counties would meet informally from time to time. Some would come and some wouldn't. So then they decided to form the Association of Bay Area Governments, ABAG. They also met at the Claremont Hotel. John [C.] Houlihan and others were quite active in that formation. He was the mayor of Oakland. They met on a lot of problems, mainly planning and land use and all of those matters. Transportation, we felt, was low on their totem pole as far as their concerns. We would bring things to their attention and try to get their help on legislation. Cooperation would be pretty fair, but their main objective was other matters than transportation.

Also then at the time at the state level--I don't know when the Bay Area Transportation Study, BATS, the BATS Commission came up. I can't remember the date of that.

McCreery: Now, did the district have any direct representation in ABAG?

Nisbet: No, and neither did BART. We would appear before them, and I think we sometimes sent somebody to observe and sometimes we wouldn't. We'd get their agendas, and if there were something on there that related to us--I always felt that neither BART nor ourselves spent the time and effort that we should have on going to ABAG and these other meetings of that type when they're dealing with land use, subdivisions. We felt, and on rare occasions some effort was made, that a new subdivision, a new area coming up for development should have a transportation element in it, and they should either provide subsidies for extensions of service into their area or provide for maybe a new line could be established.

On rare occasions, we got that. I remember Alameda--we were able to get a new subdivision to subsidize a line into their subdivision. Emeryville was another. When they built Watergate [apartments], we got help there to help that. But overall, these new districts--you know, the subdivisions just grew like Topsy, as you know, all over the Bay Area, particularly in Contra Costa County and southern Alameda County, and with no real consideration for this thing. I mean, they'd be approved and built and then they'd say, "Hey, why aren't you providing us with the bus service?" Of course, every bus and every operation we run we lose money because we only get 30 percent out of the fare box. So it became a constant struggle.

McCreery: Do you recall--did you feel at the time that the district should be more involved in land use planning?

Nisbet: Yes, the district and the transit people collectively should have gotten into that more than they did. They were more concerned with the immediate getting money to operate, or to get the capital money to build their system.

But that's what the BATS study was supposed to do whenever it came along, and then MTC got into that area too, later on. But it was a hodgepodge. There was no consistency, in my view, of approach to this matter that should have been established way back. And, of course, then the attempts at regional government, which the BATS said it was on the periphery of, the idea of having a regional government which would include all these elements, including transportation and land use and development and greenbelts and the efforts in those areas. All of those efforts fell by the wayside, so we mostly have done it by hit or miss, unfortunately. That's why we have the sprawl that we have today, without having thought all these things through properly in the first place.

McCreery: Now, if you were concerned about some of those issues at the time, I wonder, did you take them to Mr. Bingham?

Nisbet: Well, yes. Of course, he felt somewhat the same way, but we always were faced with the immediate things of a strike, if we had a strike, or we were getting money to operate, and the day-to-day things. He felt that this should be dealt with on a regional basis, or at least on a statewide basis maybe, in some cases. We felt that that was an area that the counties or the state or subdivisions in the state should deal with and that our role was secondary. So we never got involved to the extent maybe we should have, either individually, as AC Transit or collectively, as all the transit agencies using their total weight to force some of these issues.

And later on--well, not too later on, the question of air pollution and environmental matters proved that the use of public transit would be a help in these areas of smog and keeping the environment--planning on subdivisions and everything else should take these into account, that public transit would be enhanced and therefore more resources that were available should be put into enhancing public transit, which today is being resurrected somewhat, in light of today's congestion.

McCreery: But as you say, sometimes it's hard to engage in long-range planning when there are so many immediate things.

Nisbet: That's right. That seems to happen too often. I guess that's true in our own private lives, that you're worried about the day-to-day things, and the long-range things don't get the attention they should.

McCreery: Yes. In general, how was Mr. Bingham as a long-range thinker?

Nisbet: Well, he was certainly more so than Worthington. Worthington was an operating man. He came up the transit side. He never thought in terms of planning or long-range things of that type. So Bingham had background in public administration, so he had some feeling in this area. He did make an effort to try to get more concern in the planning area, but he was also, like every general manager, bogged down in the details of everyday operations: dealing with personnel matters and the daily P.R. things, keeping the system rolling, and dealing with all that.

So it really, to me, pointed out the necessity, which has never happened even to today, of a real regional government or regional concept on this, because the breakdown, city by city or little district by little district, and then trying to get them together, both planning-wise, land-use-wise, and transit-wise--you're just dealing with it on an ad hoc basis. Unfortunately, that's still the case today, to some extent.

McCreery: Yes. It's true. There are many different agencies and cities and entities involved.

Nisbet: Our vision way back, way back when we started talking about--maybe we made it too democratic, that we let the cities decide whether they're in or out of the district--but our concept was that AC Transit should serve the transportation needs of all of Alameda and Contra Costa Counties, but it didn't turn out that way.

Of course, that's one of the problems with BART now. They didn't have a vote, so all of Alameda and all of Contra Costa and all of San Francisco are in the BART district. Obviously, they don't serve it all, and the people in Antioch and Pittsburg and way out there have been paying taxes to BART all this time and haven't had any service. But yet to run service out to all those areas--their type of expensive, high-capital costs--it's impossible. So once again, way back somewhere, if we had to do it over, we would have a more planned, thought-through system that would have taken into account these things, which would have helped with land use and everything else. But it didn't happen.

McCreery: Were there others who were particularly interested in seeing a more regional approach?

Nisbet: Well, as I say, the BATS study and then on campus here, at Berkeley, they from time to time would come up with plans and even have some of their students work on dissertations dealing with regional government, with regional approaches to these matters. And then Assemblyman [John T.] Knox put in a regional government bill and didn't get anywhere. There were efforts made to look at the Miami regional government

example, which some people say didn't work; others say it did work, where they have a regional agency.

But the individual city councils and their clout with their legislators and their little domain that they want to protect prevailed over the need, as they looked to deal with things on a regional basis. The ABAG was an attempt to do it, but I think they're more known for failing to coordinate than they are for the few successes they have in coordination that they've come up with.

McCreery: What do you count as among their successes?

Nisbet: Well, they were able to provide--actually, in the transportation area they weren't providing the leadership and the mechanism, so the legislature, rightly or wrongly, set up the Metropolitan Transportation Commission. You see, ABAG is an informal, non-governmentally established agency, and so some cities would drop out, and some would not attend meetings. They didn't have to because it was an informal thing. But MTC--they're actually members directed by the legislation to be in it, and each city has a representative, based on their population, and the counties do, too, and it's an official public agency that has authority in and of itself.

But it's limited in its scope in dealing only with funds and having studies made of certain things. While they provided a useful function, they didn't have authority on this overall thing we were talking about, especially land use--they can use incentives and stuff to do that, but it hasn't quite--it hasn't worked out.

The Metropolitan Transportation Commission (MTC)

McCreery: Well, let's talk about the formation of the Metropolitan Transportation Commission in 1970. And clearly you've articulated why there would be the need for such an agency, but how did it actually come about, to your recollection?

Nisbet: Well, efforts were made in Sacramento and others, especially Jim Mills, who was the president pro tem of the Senate and previous to that, head of the transportation committee in the Senate. He was eager to have some agency--he didn't trust--I don't know whether "trust"--the state doing it, but each region should have its own body to [distribute] especially the TDA funds and some of the state highway funds, so they wrestled around with it. Legislative Council came up with several drafts, and they decided that this was the best format. We felt, and I think BART supported us in this, that transit agencies should have representatives on the board.

McCreery: Of MTC?

Nisbet: Yes, right. But that didn't come to pass. It's only a city and county. And then how the cities and counties--was it based on their size and their population? And that became an

argument. And right now I don't think the City of Oakland has much clout, relatively speaking, say, as Berkeley and the others, who have representatives. I think it's still warped in that respect. But anyway, that was created mainly to disburse funds, both highway and transit funds. That was the main aegis, or reason for its being created.

Some of us felt that it wasn't necessary, that if you're going to go that route, you should go the whole regional government route, but if you don't do that, then the legislature could, with our input, come up with formulas that the money would be distributed to us, to have to be spent in a way that the legislature said. But they felt they needed a regional one, another bureaucracy. If you count up all the money that's spent on salaries and space and studies that are done there, we feel could have maybe been spent more in carrying out the functions of providing better transportation.

McCreery: Was that view universally shared within AC Transit?

Nisbet: Yes, I think certainly Bingham and we felt that it was an unnecessary, extra bureaucracy that wasn't needed. In our Regional Transit Association, which is informal, like ABAG--we could have worked with the legislature or with whoever the legislature created there, for our area, and dealt with it. But anyway, it was a fait accompli, and we worked with it, and I think AC Transit overall, in spite of grumblings from Bingham and from myself and succeeding general managers that we didn't get enough, that the other agencies got more and highways got more than they should, it's been, I think, relatively fair. And Larry Dahms has been there quite a while now and done a good job overall. But you always complain that you don't get enough.

So what it results in--you go to MTC and you inflate, somewhat, your needs, expecting to be cut, and you usually are. You play the game that way. BART does the same, and Muni, and all the rest of them. So that means they have to have a large staff to review this and get it down to something manageable and within the amount of money that's available.

They had an assistant, Steve Heminger, there. Used to be with the legislature, and he's becoming--he'll probably take Dahms's place. Bill Hein [former deputy director of MTC], who I thought was much fairer and much more understanding about problems, was eased out, and he's now retired.

McCreery: What were the circumstances of his being eased out?

Nisbet: Well, I mean, I wasn't privy to all of that, but I guess--and he just felt, I guess, that he wasn't being given the authority--I don't know. I'm just really guessing now. He may disagree with what I'm saying, that he'd been there many years and then Heminger came down from Sacramento and suddenly was assistant general manager, at the same level he was, and sort of being the fair-haired boy to succeed Dahms, and that's what happened. I just personally know Bill Hein. He's a good friend of mine. Maybe I'm a little prejudiced in this respect, but I thought he was very able. He was a Peace Corps man before he got into there, and very moral, a good man in many respects. I think it's too

bad, because he had good relations with most of all the people he dealt with. They lost a good man.

McCreery: What became of him? Do you know?

Nisbet: I talked to him the other day, and he's just doing a little consulting work but mainly sort of retired and being with his family and enjoying himself. I think he got a reduced retirement because he retired early, but he got some kind of a--not a golden parachute but a bronze parachute. [laughter]

McCreery: Well, thinking again about when MTC came on the scene in 1970 and started coordinating the disbursement of funds among the transit agencies and so on, do you think that changed the way Mr. Bingham operated in any substantial way?

Nisbet: No, I don't think so. As I said, he was more concerned with the day-to-day things. It added another dimension, and he had to justify what we were doing to another agency, meaning MTC, and go to their meetings and prepare documents for our budgets and justify our requests for funds. In fact, we had to have staff and statisticians and others to do that, which we hadn't had before. We just did it internally, with what we thought was the right way to do it. And, as I say, give the devil his due, our board, up until Prop. 13, didn't abuse their authority to levy taxes; they were modest taxes during those years, never exceeded more than three or four cents, if I remember correctly. So without an MTC, we were, I think, operating fairly judiciously in that respect.

But with Prop. 13, probably something like that was needed to assist in getting as many funds as possible and then dividing them according to need. I think they didn't succumb, as some thought they might, to BART gobbling up all the funds.

New Board Members; Public's Growing Interest in Elections

[Interview 5: October 18, 2000] ##

McCreery: We're doing a sound check today because there's a lot of construction out on the road. We want to see how loud it is.

[tape interruption]

McCreery: Okay, we said we'd start today talking a little bit about how the district board's composition changed, still in the fairly early years of its operations. We talked last time about that initial group on the board and you talked of a voting bloc and then Mr. [J. Howard] Arnold being a bit of an independent voice and so on. But around 1961 we had a couple of new members on the board. Do you want to tell me a little bit first about E. Guy Warren?

Nisbet: Yes. He was from the south county, fairly well off and semi-retired. He was well known in the business and political circles in the south county. He was more or less independent of this other group I talked about last time. But he went along generally with the voting on major issues. He was very supportive of the district. I remember he was on a school board or a community district down in the south county before he came on our district. I think he was with the school department at one time.

McCreery: Did you know him before he joined the board?

Nisbet: I'd met him at a function supporting the district, a chamber of commerce thing, but I didn't know him personally before that.

McCreery: What kind of a personality did he bring to this group?

Nisbet: Well, he was a quiet person but very intelligent and supportive of what the district was doing. He had been involved in business activities. I can't remember exactly now what his main source of income was. He was a Democrat but a moderate, you might even say a conservative Democrat, and was active in Democratic circles and considered sort of a businessman's representative in the groups down in south county.

McCreery: The other person who came on around the time was William Berk.

Nisbet: Yes, he was from Richmond area, and he was in the plumbing business--his father was and he was. He was a Republican and somewhat active in the Republican circles of Contra Costa, Richmond, and El Cerrito, in that area. He was nice. He was an affable, supportive person. Used to chide Bob [Robert K.] Barber about the political situation, in the Democratic versus Republican, but he was a long-time resident of Contra Costa County and in the plumbing business and well known in the area. He worked very closely with McDonnell and Bettencourt, then later [Ray] Rinehart. Those were very close as far as their personal and--I think they socialized as well as worked together on the board.

McCreery: I wonder, these northern and southern representatives, the west Contra Costa County person, Berk, and the southern Alameda County person, Warren--and, of course, there were also the representatives at large, intended to speak for everyone. But in your view, did they have any particular problems getting their needs met, being on the outskirts of the service area?

Nisbet: No, I think we worked it out fairly well. There were a few rare occasions where Berk felt that service in his area was not sufficient. I remember Bill [William H.] Coburn [Jr.] was somewhat instrumental in getting the #8 Line in Berkeley, up the hills, through Lawrence Hall [of Science] and up that way, by his house! So they did get in and lobby you might say for improved or new routes in their areas, but overall the staff would recommend things, and they would review it, and then be pretty supportive of what was done staff-wise, as far as service connections were concerned. Occasionally we'd have hearings, and the public would come and make requests, and they would sometimes accede to them, but most of the time they went along with staff recommendations.

McCreery: Let's talk for a minute about Ray Rinehart, whom you mentioned a moment ago. I gather he was a CPA.

Nisbet: He was a CPA. Of course, he was--in light of that--chairman of the finance committee and was the bird dog of the financial aspects of the districts. That was his forte. He was also part of this group. Several members were Catholics: Bettencourt, Rinehart, and McDonnell were all members of the Catholic church. I don't think Berk was. But that was another tie-in that they had together.

All of those we've mentioned so far, except Arnold and his sort of off-the-wall position on some of these matters, or different from the rest of them--Coburn and the Catholics dominated the board to some extent. They were the ones that made motions and seemed to have a particular--brought the others along. As I say, Bob Barber was somewhat independent, and of course Arnold originally. Bill Berk was supportive, but he didn't take a leadership in a lot of the things. It was mainly Coburn and Rinehart who were the main leaders at the time they were on the board together.

McCreery: I wonder about your view of all this. I mean, you weren't on the board yourself; you were on the staff, and you had a particular legal focus, of course. But I wonder, from what vantage point did you see these board members interacting?

Nisbet: Well, I felt that they sometimes looked at it from their own point of view. And, as I say--I think I mentioned earlier that Coburn attempted at one stage--time-wise, I can't remember --when Bingham was selected general manager, he made an effort to be selected as the general manager. He had three votes, I think. But the rest of them felt it should come from staff, and they canvassed around and thought Bingham was the appropriate person. They didn't think it was appropriate as well as [a good decision] experience-wise for Bill Coburn, who was an attorney and only a part-time member of the board, to do it. So he was aggressive in respect to that.

Without getting involved too much in it, I was personally not disposed to his being named general manager. While Bingham didn't have transit experience behind him, he was a very good public relations person and a person who could communicate with the community and with the political leaders, and I felt he was the better choice of those two.

McCreery: Well, thinking more about the composition of the board, now, by 1961 William Bettencourt was president of the board. Tell me a little bit, to the extent that you know, about how he ran that group.

Nisbet: Well, he was more supportive of the district and of the staff, and he wasn't maybe as strong a president as Clair MacLeod was and Bob Barber, to that extent, but he did a good job. In his business--what was it in San Leandro there? I think he worked for a title company, that type of work. The Portuguese community there in San Leandro, he was quite active with them. He did a pretty good job as president. They sort of had a semi-rotation policy of changing the presidents on a rotating basis. It didn't always work that way, but that was the basic concept.

McCreery: It does look like frequent changes. I note that Robert Copeland became board president in '63, for example, and so on and so forth. But, of course, there was this core group that didn't change too much during the sixties. Some new members, and then in 1970 Claude Daughtry.

Nisbet: Yes. The core that I mentioned--Rinehart and Berk and McDonnell--he was another member of the Catholic church and a friend of theirs. They asked for applications and they all came, and they interviewed them all and supported him. He, in my view, had the least qualifications in any experience and background of transit, or interest, but he was a friend of theirs, so they appointed him, and of course he got defeated at the next election. I didn't say anything, but I personally felt that he was not the best choice in the world at the time. It proved out. Campaign-wise he didn't get elected even to a full term.

McCreery: Yes. So the election served as a system of checks and balances, I suppose, on those who were appointed mid-term and so on.

Nisbet: Yes. In the early days it was a low-profile elective office, and so there wasn't much contest. In a few cases, there was no other, or little opposition--I can't remember how many times it happened--to the people who filed to run for the district. Then, later on, it became more higher profile, when the district was in operation and people were wanting to get various things done. So then it became a part of the campaign of various groups to put their candidate up and so forth. That's when later on, down the road, why, Roy Nakadegawa got on, defeating Berk. He was another Arnold, to some extent. He's on the BART board now.

McCreery: Yes, but an independent voice.

Nisbet: When [Michael H.] Fajans came on there, he was sort of a cohort of Nakadegawa, not as aggressive as far as some of Nakadegawa's trying to get into the rail business and voting against acquisition of General Motors buses and that type of thing. They were leaning in that direction. But they were all supportive. I'd have to go over those minutes more thoroughly and I can refresh my recollection, if you want to go into this more in the future.

McCreery: Well, again, I'm just seeking your thoughts on what kind of presence each person brought to the mix and that sort of thing.

Now, you mentioned a moment ago that being elected to the district board was a rather low-profile office in the early days. I wonder, let's say during the sixties and early seventies and so on, when Mr. Bingham was general manager, how much attention and thought was given to the staff being involved in elections?

Nisbet: Well, I pretty well stayed out of it. I mean, you know, I think behind the scenes they helped to get information or materials about the people who were running, the incumbents particularly, but I don't remember any of them out campaigning for or against any particular candidate. I advised them as the attorney that they shouldn't get involved in directly supporting one candidate or another. But they did it informally by

getting information, putting materials together for them, and also behind the scenes would socialize, to go luncheons and dinners with them. Or at a campaign meeting they'd call on the staff just to present objectively what the district is doing, and that in effect would be helpful to that candidate running for the office.

McCreery: I'm not even thinking so much of direct support of a particular candidates because clearly, that wouldn't be appropriate, but just this whole issue of these elected offices being so low profile, and what do you think happened to make them more of interest to the public?

Nisbet: As time went on, when issues arose about routes or service or fares, particularly fares, why, the public got interested and then the League of Women Voters and the Sierra Club and other groups of that nature would endorse candidates and ask them to their meetings to explain their positions on things. It became included in the list of things that the various groups that endorsed candidates would include. In the early days, it was somewhat ignored by the newspapers in their endorsement lists, and Sierra Club and all the other groups, political parties. But later on, then it became more involved, and they did make endorsements, and they got more candidates to run.

Bingham's Sudden Death and Hesitant Successor

McCreery: Now, Mr. Bingham, with his P.R. background--how much did he concern himself with trying to make the district role in public life more visible?

Nisbet: He would appear at functions at the chambers of commerce and the league and newspapers, since he had a newspaper background, both the [Oakland] *Tribune* and the Berkeley *Gazette*. He would have good access to getting stories in the paper about what we were doing, and appearing before legislative committees and going to meetings with Regional Transit Association and other things that would highlight our--then he put out the *Transit Times*, and then he'd put out other bulletins from time to time, on issues that were involved with. He just got around to a lot of meetings of service clubs and organizations of that type: Kiwanis and Rotary and the various groups of that type. He had a regular routine, going to luncheons and dinners in this area, and presenting what we were doing and what we planned to do. He was good at that.

McCreery: Yes. Well, in your view, how effective were these measures?

Nisbet: Well, I think they helped. As I say, he personally didn't have the background in transit, as far as the nitty-gritty, day-to-day operations of the transit district. That wasn't his forte. But he was a good P.R. man, good at getting the word out. He did have a stubborn streak and got his nose out of joint on issues, like the hiring women and things of that nature. He was a little sensitive on criticism. When the newspapers or somebody would criticize something he'd done or the district had done which he was responsible for, he

would call staff members in and some of the staff meetings were a little rancorous, but overall he did a good job.

Then that dreadful day when that strike was on, and his blood pressure or whatever contributed to his heart attack. I don't know.

Then they selected me. I don't know whether I've told you this story about *I, Claudius* --you know, the play, *I Claudius*?

McCreery: Yes.

Nisbet: Was it Caesar that died? And they looked around, and [Claudius] was sort of hiding behind a curtain or something, and they decided he was the one. [laughter] He didn't want it. He peeked out, and they said, "You're going to be the head now." So that's how I felt. They looked around, and I was it, general manager, at least temporary, and then later they selected me as the regular general manager.

McCreery: You're saying you had some hesitation?

Nisbet: Yes. Later--I wasn't too keen at the time. My forte was, I felt, the legal work and the lobbying and the dealings with the legislature and that. They seemed to think I did an adequate job with that, and managing the whole district was something that I didn't think I would like that much. I managed all right, and the heads of the departments were very supportive, and I could rely on them to do their job properly. But dealing with the board--they had certain ideas of expansion and inclusion, and I couldn't disassociate my legal mind from the manager's mind, where they wanted to do things that maybe were on the periphery of legality, particularly some of the closed meetings and things that they wanted to hold which--under the Brown Act and other things--couldn't be held.

And so looking back, dealing with the board and representing the district as a whole and being manager was something I didn't feel I was that equipped for, and also dealing with the board--by then they had been in long enough that they had certain ideas, and they'd go to these conventions and these meetings of all the other transit agencies throughout the country and get ideas of what should be done on that.

They there were also [exposed to] lobbying, frankly, [from others] saying, you know, maybe, "You should hire me as general manager." They got that from all over the country. And so then that led to not early retirement--I was sixty-five--but if I was the attorney I probably would have stayed on a few more years.

I had to hire and fire. I had to fire the comptroller, the chief financial officer, because he just wasn't getting along with the rest of the staff and the board, although he had some good qualities. And hiring and firing people--this was not my forte.

Kimiko Fujii's Appointment to Board; Wife's Role in Democratic Politics and District Affairs

McCreery: We'll talk a lot more about your stint as general manager, which is quite lengthy. Just while I'm thinking of it, let me return to some of the other individuals who joined the board as time went on. Now, in 1972 Guy Warren died, and in his place was the appointment of Kimi [Kimiko] Fujii, who is now Mrs. Kitayama. Tell me a little about that.

Nisbet: Oh, she was quite active in Democratic political circles in south county, and she was a very charming, polite Japanese lady, whom I got along with quite well, I thought, and my wife liked her quite well. Personally I liked her and got along with her. She didn't take an aggressive position on the board on any issues. She went along and asked questions. She was, you know, there and did her job properly but didn't take an active role like some of the others did in speaking up and asking questions and participating vocally, particularly at the board meetings. But she was very nice. I can't remember now. I think she was then elected on her own for one or two terms. I can't remember now.

McCreery: Yes, she was elected then after being appointed.

Nisbet: Then she moved out of the district. Got married again or something.

McCreery: Yes. Now, she recorded an oral history back in the 1970s which revolved around other activities.

Nisbet: Oh, she did? Yes, she was involved in a lot of things going on in south county.

McCreery: Yes, but she also did talk a little bit about being on the AC Transit board, and she said that she was urged by Pat [Patricia Mason] Nisbet to get involved with the district. Can you remember much about that?

Nisbet: Yes. I'd forgotten. That's right. She was also a friend of E. Guy Warren's, and through that, she knew about the board. But yes, I'd forgotten that Pat knew her in-- I think it was the Democratic party. My wife was women's division chairman, and Kimi was one of the members she worked with in south county. Yes. That's right. I'd forgotten that, that Pat said, "Why don't you apply for the board?" That, plus I think others also advised her. Yes, that's right. I'd forgotten that. But she was a good friend of ours, personal friend of Pat's.

McCreery: Well, maybe this is a good time for you to tell just a little bit more about your wife, Pat, and some of her activities that in some cases dovetailed with what you were doing.

Nisbet: Yes, it overlapped to some extent.

McCreery: Now, you married in the late fifties. How did you meet her?

Nisbet: She and her husband at the time ran a restaurant down in Oakland, on Telegraph [Avenue]. It was in the center of a district that was working on a campaign for Bob Kroninger, who did some legal work for us and became a judge later. He was running for the Assembly, and so I met her and the kids at Pat's Kitchen, it was called, during this campaign, and then kept in touch with her. Then her husband left her and she had these three kids to take care of, so she got a teaching certificate and ran a rooming house on Durant Avenue in Berkeley, and went to school to get her teaching certificate at the same time. I was seeing her quite often. It was after my divorce. And then in 1958, we got married, and we were together all these years till two years ago. She passed away.

She was quite active in the Democratic party, women's division chairman, and of course was my wife then. We got married in '58, right in the middle of organizing the transit district. The transit district had been created, but we hadn't taken over from Key System yet, 1960 that was. In 1957 we had had that little office there at the Claremont Hotel, and the manager of the Claremont Hotel at the time was in the office, and I said I was going to get married there, and he says, "Oh," he says, "I'll flip you double or nothing for the wedding."

I didn't know whether he meant it or not, but I won the toss, so he paid for the whole wedding procedure, which was an auspicious start. We were married at the Claremont Hotel.

But Pat was very friendly with the board members and went along on most of the meetings of the American Public Transit Association. They'd had them in various places in the country. We went to Washington quite often to do our lobbying back there.

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Nisbet: My wife was friendly with all the board members and their wives, or husbands, as the case may be. We'd go to district dinners occasionally, but she didn't socialize with them, except the Barbers, whom we knew outside of the district. But she liked them, and they seemed to like her. She was a great asset to my functions as an attorney and general manager.

McCreery: Did she have political aspirations of her own?

Nisbet: Not that I ever knew about, no. They asked her a couple of times to run for city council, like they did me, and she never wanted to. But appointed positions--she worked with Senator [Alan] Cranston and Senator Cranston's sister Eleanor Fowle, and then was with the women's division [of the California Democratic party]. She was involved in a lot of school activities here in Berkeley, in the STEP program and others, and was PTA president both in the grammar school and the junior high and the high school here. That, of course, related to transit matters to some extent. But she was just very supportive and, of course, with three and then four kids, she couldn't spend all the time that she might have, with transit matters.

She had other things to do. But when we got married, she was teaching at the time, and we had a babysitter and had trouble with reliability and all of that, so we just decided that when we got through paying for that, her salary wasn't that great, so she quit the schoolteacher [position] and took care of the kids but also was active in these other things that I mentioned.

McCreery: It was just fun to note that little tidbit, that she's the one who encouraged Ms. Fujii to run.

Nisbet: Yes, I'd forgotten. I knew she knew Kimi through the Democratic activities, and suggested that she run. Then the other board members took to her, and she became a very pleasant and supportive person. I always liked her.

McCreery: Now, she was the first woman ever to be on the district board.

Nisbet: Yes, that's right.

McCreery: And I wonder, you know, there's always a lot of attention paid to that sort of thing today, in an attempt to have equal representation and so on, but in the early seventies it was less so.

Nisbet: There were some write-ups on that, a couple of newspaper stories about her being the first woman on there, but I think that--I'm trying to remember--it seems to me there was a man that applied to be appointed in Guy Warren's place, and there was some to-do about women not being in that position. But anyway, she turned out to be a very supportive person. I was sorry to see her go when she went.

McCreery: Now, I mentioned '74. Two years later she became president of the board.

Nisbet: Yes, that was on a sort of routine rotation type thing, yes.

McCreery: All right. And, again, I don't know if you thought much in these terms at that time, but do you know whether she faced any particular issues by virtue of being the first woman?

Nisbet: No, I don't remember that. I'm trying to remember when this issue of the hiring woman came up. It seems to me that came up before she was on the board, time-wise.

McCreery: I think so.

Nisbet: I think that had been resolved, more or less. She did ask, I remember, as board president, for a couple of reports--we're supposed to do it periodically--but she asked ahead of time, on the consent decree we had entered into with the federal government on that women's issue, of how it was coming. We were required to have a goal. I think it was 39 percent women in the work force, equal to the percent of women in the work force generally. She was interested in seeing our progress in that respect. I remember a couple of times asking the general manager where we stood on that.

Was she on before Bingham died? I can't remember.

McCreery: Yes, she was.

Nisbet: Yes, that's right. Bingham was general manager, that's right. She asked him, and then, of course, I made a point to keep the board informed on the progress with the women problem. That's right.

The Transit Development Act of 1971; State Politics of the Jerry Brown Era

McCreery: Okay, switching gears for a moment, I want to return to 1971, when the Transit Development Act [TDA] passed in California and have you tell me a little bit about how that might have had bearing on the district's work.

Nisbet: That was a savior because it kept our district and I think others afloat, to some extent, because [later], with Prop. 13, those of us who depended on property tax were restricted. And so in 1971 we had Governor [Ronald W.] Reagan in the governor's chair, and he was--no increase in taxes. So Jim Mills, a great pro, who is now on the transit board in San Diego after his stint in the state Senate as president pro tem, was very pro-transit, and so he and his staff and us cooked up this idea.

In the early days, there was no sales tax on gasoline. There was a gasoline tax, so many cents on the gallon, but that tax could only be spent for roads. It was restricted by the constitution to only be spent for roads, and so we couldn't tackle that, part of it, for transit. So we convinced Reagan and the administration and some of the Republicans in the legislature that if we put sales tax on gasoline, we could reduce the overall sales tax by a quarter of a cent and still have more money available for the general fund than we had before, and then, in doing that, we could take a quarter cent of that and put it in what we called the Transit Development Act fund, for public transit.

Reagan went for it. Somewhere I have a picture of him where he's signing it. He handed me the pen.

McCreery: I think I saw that picture.

Nisbet: I remember going up there for this ceremony. In the outer lobby of the governor's office, the lights all went up, like a movie set. And then he comes out, and bright lights, and everybody taking pictures. [laughter] It was a regular scene, you know, from Hollywood! It was to be expected with him in there as governor. I'll never forget--I don't know how he knew it. I guess his intelligence knew that I was active in the Democrats, and he was signing it, and everybody got a pen, you know, and he started signing and he started to hand me the pen, and he said, "Oh, you're a Democrat. Maybe I better not give you a pen!"

McCreery: Pulled it away, huh?

Nisbet: Then he laughed. [laughter] But anyway, that was quite a coup. That gave us a sizeable amount of money. Then it became important, and additional lobbying had to be done, with the TDA funds on how they'd be distributed. It was about that time that they created MTC [Metropolitan Transportation Commission], either that year or a year or two later. Then we had to go lobby with them and present our figures and our facts and our arguments that we should get a certain percent, and the other eligible districts and city operations should get theirs.

So then it created a whole new lobbying arena. But together with the federal aid--the federal aid mainly was for capital [funds]. They would come up with the Surface Transportation Act, the various bills that passed--Congress is still doing it today--that would provide capital. A little bit of operating money, but very restricted.

We at AC tried to get most of the TDA money generated in our area to be able to be spent for operating, but the powers that be in Sacramento, particularly [Governor] Jerry [Edmund G.] Brown [Jr.]--I don't know whether I mentioned that. His transportation secretary was a woman from "Hah-vahd," Boston, Radcliffe, Adriana Gianturco. We came in there the first day we met with her, after he'd appointed her and she was in office. We were up there at a meeting on the TDA funds, plus general state policy towards transit. Here was this so-called "genteel lady." We went in the meeting room, and she had her feet up on the--not on the desk exactly, but way up, and we all gathered around her, and she says, "Well, first I want to know why you're pissing away all that TDA money." This was this genteel lady from Boston. [laughter]

So we gave our arguments--you know, we're not throwing it away; this is what it was used for. But she says, "You're just supporting the labor unions to get more money and it all goes down that drain, and you're not using it for other things." She says, "We're going to put more restrictions and caps and formulas on it to restrict it." Anyway, they did then put some formulas in to change the things so we couldn't get more than a certain percent for operating vis-a-vis you had to have a wage policy that fit in with some standard that they were working on in Sacramento. After all it was Jerry Brown's idea of trying to do away with bureaucracy and cutting back on the paperwork.

Then another vignette, at that same meeting: We were having our meeting, and she pulls out a paper bag and a thermos bottle. "I'm going to eat my lunch now." So she says, "You keep going." [laughter] So she was a character. But, of course, she was basically not pro-highway; she was more pro-transit, but she felt that the monies weren't being spent properly, in her mind, or somebody had geared her to that thinking. Anyway, the Republican, [Randolph] Collier, who was the Mr. Highway, referred to her as a "Giant Turkey." Her name was Adriana Gianturco, and he called her "Giant Turkey." So everybody--that was her nickname, the "Giant Turkey." [laughs]

But anyway, we managed to, I think, get our fair share out of the state, through MTC. Even to today, I think they're doing well. They probably think they should be getting more, but it was a coup, along with changing the vote to the majority vote. One got the district into creation; the other one kept it going, getting that TDA money.

McCreery: Yes. Now, you mentioned that the advent of TDA opened up a whole new lobbying area for you.

Nisbet: Oh, yes.

McCreery: How were you as a lobbyist?

Nisbet: Well, I felt adequate. I mean, I felt that I knew--the Democrats were in control at that time.

McCreery: One of the rare times.

Nisbet: And my connections there didn't hurt me, and, of course, I got along with Republicans too, because originally it was all Republicans that got the district created. So I seemed to get along with the legislators of whatever ilk, and was able to--but the lobbying at the MTC was not--I would go to the meetings and make statements, but we had to get a team together to justify--our financial and operating and maintenance people--to justify what we were going to spend the money for and convince them, so it wasn't lobbying; it was more lobbying with the staff and with informative people to justify your case.

The Regional Transit Association

Nisbet: But then we'd have the Regional Transit Association meetings, where we would try to work out a formula between us, before we went to the MTC, but it didn't always work.

McCreery: Let's talk about the Regional Transit Association. Tell me about the genesis of that group.

Nisbet: Well, it got--did I bring it out here?--I left it in there, I guess. One of the original meetings [looks through papers]. Can you turn it off?

McCreery: Sure.

[tape interruption]

Nisbet: The Regional Transit Association was informal--not officially set up by statute, but we decided to get together: AC Transit, BART, Golden Gate Transit, Sam Trans, Muni, and Santa Clara County Transit. We'd get together periodically to go over all the programs. Sometimes there were joint transfers, sometimes a publicity campaign that we would have to encourage people to use public transit generally, wherever it was. And then we would try--and not always successful--to say, well, the TDA money and the federal money and that--try to get a consensus position so that when we went to Congress for the federal money and to Sacramento and to MTC, we would have unified approach as to how we felt the money should be divided. We weren't always successful in that respect.

But we would sponsor meetings. We'd have a meeting on maintenance problems one time, and then we'd have finance problems, and we'd have the equipment problems, you know, so we would exchange information on bus specifications and this type of thing. It worked out pretty well. But slowly, gradually--and I just don't know whether they still meet--the MTC sort of preempted this because they were the ones with the authority to do something about it. All of our efforts would gravitate to them. As they grew and grew and mushroomed in their bureaucracy, they would have subdivisions on maintenance, on bus specs, all these other things that we were dealing with, and so it became less and less important, as I saw it, for the RTA, as we called it, to meet. I just don't know whether they still meet and go into things or not.

McCreery: Was there any sense of RTA being in opposition to any of these other organizations?

Nisbet: Not opposition, but I think there was some feeling that we didn't need an MTC. We could have a meeting of the type we were talking about to wrestle these things out and divide the money up, but we were faced with the fait accompli of the legislature deciding they needed this organization, so it was created. We've been dealing with it ever since.

Here's one: We had one [RTA meeting in August '83] to deter crime and vandalism on public transit, so we tried to get together with joint ads and a joint approach to the police departments. That's one I just found.

And here's a transportation and maintenance meeting on deliveries of fuel and getting diesel fuel. I hope it's still going on, because the joint--I mean, it's ridiculous for one agency to do a lot of specs on buses and on getting diesel and all the other things that we have to do to run a transit operation, do it just in your one [agency] and not work with the others that are doing the same thing. I was an advocate of getting together.

I didn't push Bingham into it, but encouraged him to call meetings and to participate in the Regional Transit Association. People who were operating and had responsibility for getting the system going and running the transit, rather than the bureaucrats and so forth that were one or two levels above, like MTC or even in Sacramento, who don't know the practicalities of running a transit district, trying to set policy and determine formulas and so forth. We at the operating level should and in most cases did have more experience and knowledge to do this.

I was hopeful that the Regional Transit Association concept would flourish and continue, and I just don't know what the situation is today. I haven't followed it.

McCreery: Now, you mentioned before that you were an advocate of having a regional government authority of some kind.

Nisbet: Yes.

McCreery: And I wonder, how does this fit into your picture of that?

Nisbet: Well, if we had a regional government of some kind, it would have a functioning unit that dealt with exactly the same things we're talking about here, but it would be formalized. It would be in a statute or in local ordinances, to do it. And the regional agency would get into a lot of other things, very controversial, like land use and greenbelts and providing that when new subdivisions are built, they have to take into account all these things, including public transit, instead of having it just grow like Topsy and then having the transit agency say, "Hey, why aren't you serving us?" Have it all part of a plan rather than the helter-skelter thing that's still going on to a great extent in the way places are developed and local agencies dovetail with each other.

But the cities--they're jealous of their own prerogatives and are hesitant to give up their city planning, their ability to control this aspect of government. Today it's still done by each city and each county and so on. There is some leverage from financing and otherwise to get them to coordinate, and MTC is one example of the areas they have some jurisdiction in, mass transit and highways. But in other planning things, they can only incidentally put pressure on them.

McCreery: You mentioned last time that you wished ABAG [Association of Bay Area Governments] would take more interest in transit. To what extent did RTA fill that void?

Nisbet: Yes, well, we had joint meetings a few times with the ABAG, but ABAG is made up of the politicians. RTA was the operating and the staff people. There was no political people there except occasionally visitors--some people wore two or three hats. But ABAG--all the Bay Area governments were a part of it. It could have been the foundation or the beginnings of a regional government. But there again it was made up of individual city councils and boards of supervisor members who had their own interest and their own local concerns in mind and weren't too eager to deal with the overall.

And anyway, it wasn't a formal, legally created district; it was an agency; it was an informal one that most of the cities belonged to, but once in a while one or two would pull out. They're mad at some issue. So to that extent--so you had the duplication here. You had the duplication of--like, the RTA for the operating and staff people to work; now you have MTC in the area of highways and transit to some extent, having an indirect relationship with the overall government of city planning and so forth.

And then you have ABAG. They accomplished some things. They conducted conferences, and they'd have an influence on one thing and another. And then you also have the board that I served on after I retired, which was the Bay Area Air Quality Management District. That's another district, a regional agency, that deals with smog and by its very nature has to deal and talk about public transit and highways and use of the highways by automobiles and the smog and everything that's created there.

So there's an overlap in all these agencies, and the water control, and the BCDC. And all of these are regional agencies, with different boundaries, not necessarily the same boundary as ABAG or the same boundary as the others. It would make sense, and [John T.] Knox and others tried from time to time to create a regional government, but it never succeeded, and I'm afraid it won't, in my lifetime.

McCreery: Yes, and there are those who say ABAG was created to avoid that very thing.

Nisbet: Yes, that's right. That's been the accusation, and it's pretty well proved true. I mean, there have been attempts by Knox and others to get ABAG to endorse and to go along with his thought of a regional government, but today people, all the talk in today's political climate with an election about "Less government is better; we don't want more government," you know? You have a lot of government now, but it's broken up, and nothing can be solved by one city or one county by itself. All these problems spill over and affect everybody in a larger area, maybe not whole statewide, but certainly the Bay Area is a logical area that could--

Now, the original nine-county BART Commission had the nine counties represented, and that concept could have been expanded into a regional government concept to include all these other areas of government, but it didn't happen.

McCreery: Well, to finish about RTA, then, who were the other major players from some of the other counties?

Nisbet: Well, Keith Bernard was the BART [representative], at the time I went there. Bill Stokes. Before Keith Bernard, Bill Stokes, and then Keith Bernard at BART. Muni's general manager would change from time to time. Green started way back in the early days. I forget his first name, [Curtis] Green.

McCreery: How well did this group work together?

Nisbet: Well, fairly well, considering. We had differences, but when it came to the technical end of it, joint bids and everything--of course, we had the bus people and then the rail people, with BART and Sam Trans, so that that was a difference, but I think it served a useful purpose, and--I forgot to ask when I was down there--I assume it's still going, to some extent, because it's needed, even with MTC because you need a group to talk about the practicalities of running a day-to-day business and what your sister agencies in the Bay Area are doing.

The meetings--a lot of them were held at the Claremont Hotel, including MTC; now they have their big building down in Oakland, and larger staff.

I think that the legislature, rightly or wrongly, felt that they couldn't get the regional government, in its overall sense, going, but they would opt out the transit and highway thing financially, particularly, distributing the money. That's why they created MTC, only dealing in a limited area, not the total government picture that's needed, in my view. It would have been better, but I don't think it's going to happen.

Then we had the Bay Area Transportation Study, that BATS study, which Stan McCaffrey--he went on to be president at College of the Pacific, now the University of the Pacific. He was--it's funny--he was sort of became a lifetime protagonist. He was at Cal when I was there, and he was a Republican, a fraternity man, and I was a Democrat, and we debated with him. He ran for student body president, and he won and our man

lost. Anyway, off and on over the years, I would wind up being not opposed to him but being interrelated with him, which I thought was funny, and on the BATS study and then on some other agency he was on in the area.

Then there was the Golden Gate Authority. That was sort of a regional government concept, in a way. That never got anywhere. I'm trying to think of one other one. As I say, there was a Water Quality District, there was the Air Pollution [district], the BCDC--of course, there was the Toll Bridge Authority, which deals with the bridges--the Golden Gate is separate; it's not part of that.

See, all of these agencies and then the airports, is another one. They have three separate airports, and you might say there should be a regional government that would deal with the airports too, because should San Francisco get all the traffic or should it be distributed so Oakland and San Jose get some? Right now you have very few direct flights out of Oakland to the east. There are two or three airlines, but most of them you have to transfer. But San Francisco is thinking of enlarging theirs and getting more and more--should that be the case, or should there be some coordination and some division of the traffic so that everybody would share, and the traffic and other problems would be handled in a better way?

I just feel that there's a lack of coordination in a lot of these areas, not only transportation, but a lot of other things that are not being done today.

McCreery: It's a perpetual question, isn't it?

Nisbet: Yes, and it's probably going to go on and on. I guess other areas are the same. I've heard favorable things, and I've heard unfavorable things about the Miami experiment that had some form of regional government, and some say it was successful, and some say it wasn't. I haven't followed that, haven't been involved to that extent in recent years.

McCreery: That's a common example to look at.

Nisbet: Yes. I understand it hasn't worked as well as a lot of people thought. It's been broken up, and people found ways to get around that stuff. Those are details I don't know.

McCreery: Okay. Well, let's stop there for today and let the jackhammers take over.

Union Relations: Strike of 1974

[Interview 6: November 1, 2000] ##

McCreery: We're going to talk a little bit about relations with the unions today. Starting off in 1974, when you were still the district's attorney, the usual two-year contract with Amalgamated

Transit Union came up for renewal, and a two-month strike ensued. Tell me what happened.

Nisbet: Well, the best I can remember, negotiations went on and we couldn't agree on a contract. While the board wasn't too enthusiastic about it, we thought we'd go to arbitration. The union supposedly had a clause in their international charter that they would seek arbitration rather than strike. But they had a concept of how the arbitration and the arbitration board would be selected that our experts and our board didn't agree with, so it didn't wind up in arbitration like we thought would be a way of resolving things, rather than a strike.

So we took a strike and took a lot of flak from the legislature, particularly the liberal ones that were pro-labor on the one side, and then from the business community and the editorials in the paper, that we should hold firm and not give in too much.

McCreery: I wonder, what was it about the negotiations that differed from other years? Why were the two sides so far apart, do you recall?

Nisbet: Well, I think that one aspect was that the Muni railway had settled, through their charter provision they had, at a rather high wage rate, and of course our employees felt that they should be comparable. But our board, and with our ability to raise revenues other than the fare box to pay for the wages, felt that was too high. As I say, the negotiations were conducted by a team that we set up, attorneys on our staff and also the chief labor negotiator--we had an outside consultant, a well-known, national firm--the name escapes me for the moment, but he had a reputation for holding firm and negotiating a tough stance with labor, particularly in the transit field.

Dash was his name, John Dash. He was hired by the board, and we sort of put our fate in his hands, rather than having the local people working on it as much as we should. To some extent, that may have been a mistake. But anyway, he advised the whole firm to take the strike and take the flak that we got for not running service, in order to wind up with an agreement that we could live with afterwards.

The details of that particular settlement, when it finally came, I don't recall at the moment, but we had the [state] conciliation service in off and on, but mainly it was John Dash dealing with the local unions. And then he at times would bring in the international back from Washington, of the union, to try to work on it, but--it wasn't as long as the original Key System strike. I think it was two or three months when we finally settled it. I'd have to go over the notes to refresh my recollection on the details.

McCreery: I wonder, how effective was the union leadership during this time?

Nisbet: Well, Vern Stambaugh was still there. He was a tough negotiator. They in turn had Stan Neyhart, the attorney from the Tobriner, Lazarus and Neyhart firm. They too had resources or had availability of experts outside of their own union to present economic facts, particularly settlements throughout the rest of the country that they used as criteria

for what we should be looking at. I can't remember whether that was the one that we finally agreed to arbitrate or not.

Adolph Koven was a local attorney and arbitrator, well known in the field, not only transit but otherwise. I know he was involved in an arbitration in settling one of our labor disputes. Whether it was the '74 one or an earlier one, I'm not sure. But I remember John Dash was involved at the time.

McCreery: And as the attorney, what was your role throughout the strike?

Nisbet: Well, as I say, my assistant, Richard Meier, and--I can't remember [the other] name now --but they served on a day-to-day basis. I would participate in the discussions occasionally, but mainly received reports from them, along with the board, of the progress, and then gave advice to them from time to time. Basically, the attorneys were there to write up or to nail down any agreements that were reached and didn't participate on a day-to-day economic argument as to costs and whether they should get this wage benefit or working conditions. The negotiating team did that.

McCreery: Well, speaking of the '74 strike, in particular, how well did the board do at keeping this whole thing moving along?

Nisbet: Well, they of course were quite involved, had regular meetings with Dash and the negotiators, and some felt more strongly than others about whether we should settle or hold firm on some of our positions.

McCreery: What did you think?

Nisbet: Well, I felt that the union's demands were somewhat excessive, but that maybe we should have gone to arbitration or some medium ground earlier, but the union came up with--I can't remember now--a means of selecting a neutral arbitrator in a way that we didn't think was fair or was neutral, and therefore we didn't move in that direction, certainly right at the start.

McCreery: Well, now, we know about ATU's involvement. I wonder how these events affected workers in the other union, IBEW [International Brotherhood of Electrical Workers]?

Nisbet: There were only two members of the electrical workers union left over from the old Key System days, when they had trains and electrical equipment to do. We just kept a few on. I think there were two or three, and they weren't a big element in the equation. It was mainly the Amalgamated Transit Union, and IBEW just went along usually with whatever was done otherwise and respected the picket line and all that sort of stuff.

We got some flak from the legislature. In fact, they had the hearings--the union had a lot of friends in Sacramento--about that we weren't being fair, that they might withhold state funds from us until we settled; that we were making money on the strike because we would continue to get state funds and we weren't operating, and therefore our expenses were down. A lot of flak like that. Of course, that was a two-edged sword as far as

labor was concerned because once they did settle, there was less money to pay the benefits that they derived from the settlement. But that went on and got a lot of flak in the paper from the legislature, along with editorials. Everybody was concerned. Without any transit operations, it was difficult for people to get around.

McCreery: Yes. That's one of the things I'm thinking about. From a practical standpoint, what was the effect on the public?

Nisbet: Well, it was very difficult. BART was still running, but of course they didn't cover the local areas. People had to use their cars or walk or carpool. A lot of carpools were developed that didn't exist before. There were larger crowds at our board meetings than usual, with people saying we've got to settle this, got to do something. It was pressure times, all right, that developed.

McCreery: As time went on, do you remember, how did this affect the atmosphere in the district office, itself?

Nisbet: Well, that was a problem, too. Some of the clerical and other employees were unionized, some in Amalgamated Transit Union. Some of them didn't cross the picket lines, so that cut down on the office staff, too. But I remember just my general feeling about it was that John Dash and his group were a little too hard-nosed and not amenable enough to a reasonable settlement. I was surprised that the board took a hard-nosed attitude.

But, on the other hand, of course, we couldn't give the store away, because we had limited resources once we settled the strike and started operating again. I think the end of that strike did result in laying off some of the new employees in order to pay the ones that were still there under the settlement wages and working conditions, so there was that.

Contracting with Contra Costa County; Developing a Wage Scale Proposal with Stan Neyhart

Nisbet: I can't remember what time it came, but we had a contract with central Contra Costa [County], who weren't in the district, to operate their service for them on a contract basis. Then they later decided to have their own, create their own district and run their own service. I remember one of the proposals that Stan Neyhart and I, in sort of a private meeting--I don't know if it was in '74 or when it was exactly; I think it was in connection with '74--came up with the idea that new employees would work--he would be amenable to urging the union to accept that new employees would be paid less than the regular wage scale, and they would start work in central Contra Costa and these areas which were less difficult and not heavily used, like east Oakland and some of the problems that you run into there, and then as their seniority grew they would be put in the difficult areas and be paid full scale.

But two things happened then. He couldn't sell that to the other union members, and also then the central Contra Costa people were thinking about it sort of forced--it triggered them going ahead and establishing their own system because of the strike and their inability to get service. So the end result was that when the strike was over, if I remember, or shortly thereafter, we had less area to serve and less need for employees, so we had to leave some go, because we were paying more and also were serving a smaller area.

McCreery: That's an interesting idea, though.

Nisbet: I thought it was. That made sense because--you know, I mean, it did several things. One, the people out in central Contra Costa weren't as union-minded and their wage scale was lower, in general, than other employees as to what's paid in San Francisco and certainly the immediate East Bay here, and it would justify having a lower wage rate out there, lower cost for them to operate, particularly since they got less out of the fare box than we did, something like 10 or 15 percent. They had to be subsidized heavily, keeping the wage rate low, so that could be worked. But also the working conditions were good. I mean, there wasn't the pressure on them, and he felt that the union ought to go along.

I think the union leadership was listening to him and thought that might make sense, but the state Federation of Labor and people higher up in the Amalgamated Transit Union nationally thought it was a bad precedent and pressured against it. It's too bad. It might have saved the day, shortened the strike, and kept central Contra Costa as part of AC's operating district, but it didn't happen.

McCreery: It's also kind of an opposite approach to the way things are actually done, which is to start new drivers in the roughest routes.

Nisbet: Yes, that's right, because that's what happened. That's what happened to the women problem. I think I mentioned that to you. We were under the requirement of hiring 39 percent women, or have a goal of getting to that point, which was the number of women at that time in the work force. We'd get them--it's hard to recruit them. Once we got them, naturally their [low] seniority required them to operate in the worst districts that had the most problems of handling passengers and that problem, and the turnover was great. It gradually worked out over the years. Now they have quite a few women drivers, I understand.

But another element that we haven't talked about that much--I can't remember when the women's order came down. It's in the seventies sometime. That would have been another thing. The women could have started to work and worked in that area at a little lower wage and would have gone along with the others to build up [their seniority]. I think Stan left it that if they wanted to keep their lower wage they could, but when their seniority grew to the point where they were eligible, they could then bid on the regular runs at the higher pay. But it never came about.

Now it results in the same thing because the wage rate of that independent company in central Contra Costa is considerably lower than what AC Transit and Muni pay.

McCreery: Yes, a substantial difference there. Well, it sounds as if you and Stan Neyhart not only worked together for a long time but were able to have a meeting of the minds on some of those things.

Nisbet: Yes, we were friends, and my wife and his wife. My first wife and his wife went to Reed College together, and then Debby and Pat were friends. They weren't close friends, but we socialized frequently. It was a long-term thing, although he was a strong advocate for labor's point of view, of course. And a character.

McCreery: Was he?

Nisbet: Didn't keep track of things. I mean, he would come to meetings and wouldn't have his notes with him or he'd just work out of a little scratch pad on the back of his matchbook cover or something. But he was sharp and very high I.Q. and remembered things. I mean, I remember several instances. [I went] over to San Francisco with him, and we got on the bus to come back to the East Bay and about halfway across the bridge, he said, "Oh," he says, "I drove this morning!" [laughter] So he had to turn around and go back. I understand later he went back--I went on home--he went back and he had parked the car in a red zone near his office, and they had towed it away! [laughter]

He was always being admonished by the judges for being late and not being prepared. Anyway, he had a reputation that way as not very well organized as far as neatness and keeping things that way, but he was sharp as far as knowing the law and being able to argue his points, either in court or in negotiations. And when he was in Sacramento he was really capable of working on the law and working with the legislature.

Should the State Prohibit Transit Strikes?

McCreery: Yes. Well, speaking of the legislature, I know this 1974 strike prompted the question again of whether there should be legislation to prohibit public employees from striking.

Nisbet: Oh, yes. That came up several times. Once again, they'd propose what we originally proposed in our act, the compulsory arbitration provision, and labor got on its high horse, and soon the legislature decided that they weren't going to get anywhere with passing something like that, particularly when--I think Brown [Edmund G. "Jerry" Brown, Jr.] was governor--he'd probably veto it anyway. But they talked about it. But that was the only alternative to turn the clock back to the old days of civil service and no strikes and everything. They soon realized that wouldn't work.

So then they got cooling-off periods. I think it's still on the books. I'm not sure whether any of the recent governors have invoked it, but they did provide that the

governor could call a sixty-day or thirty-day moratorium on the strike and have the state conciliator go in and see what he could do to settle it, before they could hit the bricks again. He'd have to make certain findings and determinations, which were reviewable in court if the union felt that they were not fair.

You know, I've never seen it invoked. The recent [transit strike] in Los Angeles went on for a long time.

McCreery: Yes, just now.

Nisbet: And I don't--either the governor decided not to invoke it or they changed it or modified it. I haven't followed it that closely, but there was that provision in the law for quite some time that he could call a cooling-off period, and the people would have to go back to work. Then if they didn't, the state then would file contempt charges against them and that type of thing. Of course, that always gets--how do you do that? Then they try to get around it by everybody calling in sick and all these ruses to get around that type of thing.

So it would seem that some form of compulsory arbitration--but of course the boards of directors of the districts, as is true of private corporations that are subject to strikes, don't want to go to arbitration because arbitration means they're going to get some increase. If the district or the company feels that they're not entitled to an increase and maybe should get a decrease, why, they feel that arbitration--rarely if ever have they wound up getting nothing. So that becomes a sticking point for people to agree to that, but it seems like in a situation like we have here, that the means by which the neutral arbitrator is selected would be a way of overcoming that particular problem.

But that was interesting to find out. I'll check with--if I run into, as I say, the old labor lawyers that I knew--Neyhart and the others are not there anymore--but whether that's still on the books.

McCreery: Because that strike in L.A. did last a while.

Nisbet: Yes, and I'm surprised that I didn't remember any discussion or newspaper articles about the governor should do something, should invoke a cooling-off period. But maybe he didn't use it or they amended or changed it since it was there. But a form of that grew out of this thing, when the legislature and others were unhappy with the situation. BART can fumble along and with its management people run a small semi-service, but when they have a strike it results in almost stoppage, if you remember when they had a strike.

McCreery: Yes, I do.

Nisbet: They did try to run a few trains, and it wasn't very successful. But we discussed that at the board about whether we would try to run with management a few buses or hire scabs and things. That just was not feasible at all to do.

Transit district leaders watch the signing of the Transit Development Act, 1968. Seated: Governor Ronald Reagan. Standing (L. to R.): Warren Huff, Stockton; John Wells, lobbyist; Bill Bourne, Sacramento; William Farrell, Long Beach; Tom Pryor, San Diego; Robert Nisbet, Alameda-Contra Costa.

Photograph by Saake

V GENERAL MANAGER OF AC TRANSIT, 1978-1984

From Acting General Manager to the Permanent Job

McCreery: Continuing, then, from a moment ago, I mentioned that I wanted to talk about the time you first became general manager of the district. Now, we've talked in other sessions about Al [Alan L.] Bingham and his management of the district, and when he died suddenly in January of 1978, the board selected you to take his place.

Nisbet: As acting general manager to start with, yes.

McCreery: As acting general manager, right, the first six months. And you've mentioned before that you had some reservations.

Nisbet: Yes. I said I felt like Claudius, the Roman emperor. I forget--when Caesar or whoever preceded him died and they were all standing around, wondering who would take his place, and he was sort of hiding around a curtain, and they saw him there. "Oh, yeah! You're it." That's it. I had no ambitions. Being the attorney and the lobbyist was my forte, that I seemed to like doing, and I think I was fairly adequate at it, but when they asked me to do it temporarily, why, I took it over.

My style was different than Bingham's, I think. He was more organizational, a one-two-three person who wanted to keep his finger on everything and make a one-man show--not exactly, but he had the inclination to do it that way. I was more looking to the department heads. "Now, look, you're responsible for your department. I expect you to do your job properly and keep me informed, and I will oversee to an extent, but I'm not going to be dotting i's and crossing t's and interfering with you on a day-to-day basis. That's not my style."

McCreery: So you spread out the authority a bit more.

Nisbet: Yes, yes. I think it worked. It worked fairly well. But then, when we had a crisis and started losing money, or costs were going up and revenue wasn't meeting it, it was tough to deal with that. They then canvassed around when I was acting general manager, looking for others. Interviewed quite a few people--

McCreery: Who were they? Do you remember?

Nisbet: Oh, boy. I think the one they selected after I left, [L. A.] Kimball--they talked to him, and they talked to--they had a recruitment firm that sent them some names. They went back East to interview people, and with our organization, our assistant general manager, and then, as I said, Bill [William H.] Coburn [Jr.], who was interested at the time Bingham was selected. He was still available then, and I think they talked to him, but anyway, they decided to ask me to stay on.

McCreery: What do you suppose they were looking for, from the standpoint of the board itself?

Nisbet: Well, someone that would kowtow to them. There was the question of just listening to them, but I felt that their role was, as part-time board members, to look at the overall picture and to be satisfied that things were running right and ask that the general manager and other department heads report to them on what was going on and keep them informed. They seemed to think that they weren't being advised or asked for their opinion and decisions on more day-to-day things that I felt was management's and the department heads' responsibility. I think that was part of their thinking.

And then others felt that they should get somebody that had a long history of transit management, rather than the legal side. I don't know. That's another thing that if you talk to [Roy] Nakadegawa and [Michael] Fajans--some of them might not be too favorable to me, but I think that if you want to do history properly, why, that would be interesting to see what their reasoning was for [selecting me] and later urging my retirement.

They had closed sessions when they made their decisions as to who they hired and when they decided to encourage me to take retirement [in 1985]. Nakadegawa was, I think, satisfied with what I was doing and one or two others, but some of them wanted a change and wanted something new. They didn't go into detail with me what they felt I was lacking or why they wanted to move on to something else.

McCreery: But at the time you came in, do you think they envisioned more of a caretaker than Bingham had been?

Nisbet: No, I don't know that they envisioned anything. [Bingham] suddenly died, and somebody had to fill the spot. I think when they came to--just my surmise, which you could get from Fajans or Nakadegawa and Jean Holmes, the other one--I think is still alive--that when they got to thinking about replacing me [as GM in 1978], instead of my serving the temporary position, when they started looking for somebody to fill the spot, they couldn't agree. There were several different--I just can't remember who was there, but each of them had favorites, and they were unable to agree, get four votes, to agree on any of these people they talked to, and so that's my feeling as to why they said, "Let's stay on with Nisbet for the time being."

But then the desire grew until '83 or so, when they felt that they wanted to make a change. Since I was close to retirement, I hinted, "Well, why don't I go back to being the

attorney?" But they had already made Richard Meier the attorney. He was acting attorney for a while, and they made him the attorney. But he didn't last long after I left. But anyway--

McCreery: But you're saying you were encouraged to retire at that point?

Nisbet: Yes. They didn't go so far as to say they were going to fire me at all; they just said that they were thinking--Fajans was sort of the spokesman for the group. Came to talk to me.

The Strike of 1978

McCreery: But then, going back to when you did first take over the job from Bingham, I wonder, what was the immediate situation you encountered?

Nisbet: The strike was on then. But we solved it, settled it. I remember, there again I had a couple of private meetings with Stan Neyhart. I forget. I think we got the state conciliation service, Tom Nicolopulos or somebody involved, and settled it within a short period of time after I took over. I can't remember whether we went to a form of arbitration or not. It's a little hazy. But I know that it wasn't too long before we were able to settle it, get back to work.

McCreery: So the effect of that was probably much less than the '74 strike.

Nisbet: Yes, yes. Oh, yes. There was one arbitration--I just have to refresh my recollection--"hop, skip, and jump" [provision]--a big increase, because they used the criteria of what Muni had done and what we had agreed to before. Anyway, it resulted in a big increase, more than we had expected or anticipated.

McCreery: You're talking about increase from--

Nisbet: Wage increases, yes. It was based on something we had agreed to in the past. If it had happened, something would trigger another thing. Anyway, it compounded it. It was something to do with the cost of living, using one criteria and another as to what the cost of living requirements--so it was a cost of living on top of a cost of living thing that resulted in a sizeable increase but still didn't get us up as high as Muni was paying. We always were and still are, I think, below their scale. And our working conditions, of course, make a big difference, and fringe benefits. Fringe benefits when I left were moving towards 50 percent of the base wage, including vacations and sick leave and unfunded retirement plan.

McCreery: Yes, it's a substantial package, isn't it?

Nisbet: Yes.

Proposition 13 Passes, 1978; Financial Fallout

McCreery: Speaking of other things early in your tenure as GM, in June of 1978, of course, Proposition 13 was passed by the California voters, and we touched on that already at other times.

Nisbet: Oh, yes. That was devastating.

McCreery: But I wonder, did you have an inkling of the gravity of that proposition beforehand?

Nisbet: Not really, no, no. I mean, we were busy with all the other things we had, including that one strike, and we knew it would affect the ability to levy the property tax. Of course, if we had been unjudicious, as I said--I used the phrase--while we had unlimited taxing power as far as property tax was concerned, during those years, up to '78, we used it judiciously. I think it was three or four cents a hundred or whatever it was. Of course, then when Prop. 13 passed, we were stuck with that as the base, and we could only increase it what?--two percent, whatever--not two cents, but two percent--each year after that. So that then made it incumbent that we look for other sources of revenue.

McCreery: What did you do about finding other sources?

Nisbet: Well, that was when we started canvassing Sacramento. We did get a little by the bridge tolls, and some federal monies could be used for operating but very limited. Most federal money was used for capital. That's when we came up with the TDA thing, the sales tax on gasoline, and convinced [then-governor Ronald W.] Reagan to put sales tax on gasoline that hadn't been on before, and then reduced the state sales tax by a quarter cent, and then a quarter percent of the total was to be used for public transportation.

That helped saved the day at that time. Of course, now they're in real trouble again unless they get this local sales tax approved. It's Proposition B on the ballot.

McCreery: Yes, just next week we're going to find out the outcome of that one.

Nisbet: That one and a few others.

McCreery: Yes. Well, now, what about federal transit funds?

Nisbet: Well, that ebbed and flowed over the years. We, of course, had the American Public Transit Association as our big national association, high-paid lobbyists that spend their time on Capitol Hill all the time, working on these things. Our struggle was with the highway lobby, which, of course, tried to get money for highways, but we had a lot of help from--most of our California delegation was helpful in getting funds.

A lot of the funds were done on a matching basis, so that we had to come up with local funds to match the federal funds in order to be eligible for it. This was true in capital as well as the operating [expenses]. And then they started hesitating because of

efforts to keep the operating money down, because they felt that that would just go down to increased wages or expenditures but wouldn't--so it was a constant battle. Each year we would be back there and try to get our transit bill through.

Many times it was lumped together with a lot of other appropriations in the so-called pork barrel thing. Most of the time it was in a transportation package which included highways and transit. You know, we'd spend a lot of time--going to Washington or our lobbyists in Washington--on these things. We had our state association, CAPOTS [California Association of Public Transit Systems] originally, which I helped create, and then it turned into the California Transit Association.

They would host meetings of our California congressional delegation. We would go back to Washington and make our rounds of all of our local congressmen and try to convince them to support whatever bill was up that year, but it never resulted in but a small percentage--you can see in that chart--of operating money. We did get a high percentage of money for capital: buying the buses and buying machinery and building buildings and garages out of that.

McCreery: From federal sources?

Nisbet: From federal sources, yes. I would say that 75 percent of the capital monies over the years was probably gotten with federal help. But the local, then to supplement that, to provide the local match and then also for operating monies, from time to time.

When [John F.] Foran tried to get through sort of a regional government thing, he--and then the attempt to have ABAG be the funneling agency--decided it created an MTC, of course, and then they became the arbiter of our lobbying or our efforts at presenting our case shifted from Sacramento to MTC, going in periodically with our charts and our requests and justifications for what we wanted, both capital and particularly operating monies, with BART and Muni and SamTrans and Golden Gate all in there, too, trying to get their share.

Then, of course, MTC was a whole new bureaucracy set up to deal with this. On one hand, it was closer at hand, and their staff understood more of the local needs and the local interrelationships with the district than they did in Sacramento. I mean, Sacramento would blow hot and cold, depending upon what was the latest thinking. One time transit would be favored, and the next time it would be some other thing that they were mainly encouraged about, or high on their agenda, and so transit would be down the line a ways, and it was difficult to make long-range planning in that respect.

So to that extent, MTC over the years has been, I think, relatively fair with AC Transit, considering. I know BART and Muni maybe think we did too well, but I don't know what the thinking is today.

McCreery: Yes, it sounds as if in some sense there was still competition among these different transit agencies.

Nisbet: Oh, there still is, yes, because there's only limited sources. We would try, through our Regional Transit Association, to come to some agreement among ourselves, but lots of times we'd have to then fight it out with MTC. Sometimes we'd come up with an agreement that MTC would go over and maybe modify and accept. Some years it was easy; other years there was a big fight. I assume that still goes on.

McCreery: Now, as general manager, you were seeking stable sources of funding.

Nisbet: Oh, yes, that's right, continuing--usually property tax. Got that pulled out from under us by Prop. 13. And the bridge tolls. We thought a good part of them should be used for transit, but now they decided that it should be used to reconstruct the bridge, particularly because of the earthquake and so forth, so those funds have dwindled down to very little and almost nothing.

Then the TDA funds. The TDA provided this pot that made it possible to exist during those years, but the expenses and the increases have gone beyond that fund, so they have to have this local sales tax, Proposition B, which is on the [upcoming] ballot. It failed last time because the Sierra Club and other environmental groups opposed it. They felt that, even though AC Transit was for it, because in the western part of Alameda County a large share of it did go to transit, particularly AC Transit, but in the southern part, a lot of it went to highways and also very expensive extensions of BART, which eat up a lot of money right away, as costly as they are. They worked that out, so it's changed the formula some, so that now the environmental groups are supporting it, so hopefully it'll pass.

The California Association of Public Transit Systems (CAPOTS)

McCreery: You mentioned CAPOTS a few minutes ago. Why don't you tell me about starting up that group.

Nisbet: Well, this was when I came in, in 1960, when we took over from Key System, the smaller operators--Long Beach, Santa Monica, and Sacramento, Stockton, Fresno had one, San Diego--and then Muni came along and joined. They were out of it for a while. We'd meet frequently in Sacramento, and we formed what was known as the California Association of Public Transit Systems, CAPOTS, it was called.

For a while, BART and Southern California Rapid Transit District were not in it. They felt they could do their own thing and didn't need to belong, and so we would have meetings and meet with the legislature. For a long time, we didn't have any outside, hired lobbyists. I'd do a lot of the lobbying, and sometimes other general managers or their attorneys would meet, but I was sort of the executive director, then, of CAPOTS, unpaid. Expenses. Got grumbles from Bingham once in a while and board members spending too much time on CAPOTS work rather than AC Transit work, but it grew, and we were successful in getting some help from Sacramento.

Started off with getting exempt from the fuel tax and other taxes that were applied to use of diesel and gasoline, and got to be exempt, like other public agencies were, in the use of that. That helped some. And then fought off things like trying to take the charter business away from us and that type of thing.

Then we got BART and Southern California Rapid Transit District to join, and so we really became a statewide organization as time went on and became quite effective. And then we got to the point where we couldn't do all our lobbying ourselves. We hired John Wells--I forget the gentleman before him--from Long Beach. He was the lobbyist for the City of Long Beach, and Long Beach was one of our members, and we got him to be our lobbyist. Small pay, but he was there all the time, and he'd keep us informed what was going on.

And then we would come up and go to a meeting or talk to one legislator or go to a committee when things were right there, so it was on a low-key, low-budget situation that we got the statewide association going. Then it became where we had our struggle over the dues, how much we should pay and whether it should be based on the number of passengers we had and the local budget and stuff, but--

McCreery: What did you settle on for the dues?

Nisbet: Oh, I don't remember the amounts, but they were very small to start with. But then they started hiring outside lobbyists and having fancy meetings. Well, we'd have meetings, CAPOTS. We'd rotate around and have it in Oakland and San Francisco and Long Beach and other places. And then we'd have all the different mechanics and the financial people and the P.R. people. They all had their different divisions and would come and discuss mutual problems. It was essentially--to start with, it was a staff meeting, but then it gradually--the board members wanted to go. They wanted to go to meetings and have dinners and that type of thing, so they'd come.

So then we sort of decided we'd have the board members have their section, and the staff people would have their sections to deal with their problems. Of course, they would be able to go back and forth. And it got bigger and bigger, and we were the full-scale, statewide lobbying and trade organization for all the publicly-owned transit systems.

The suppliers would come and host dinners and cocktail parties and things: General Motors and the various suppliers of buses and equipment and things would come. So it got to be quite big. And now it's really a full-scale operation, with full-time lobbyists and puts out the fancy magazine now, which we never did before.

McCreery: Do you think it changed much after the southern California groups joined?

Nisbet: Well, yes. Yes, then BART. They felt it should be, you know, bigger and more formal and more like the American Public Transit Association on a statewide basis, and that's what it's become. They have meetings with a big agenda and invite speakers from--some legislator or sometimes the governor and others come to meetings. So it's changed. But, as I say, we started off by having--

We used to meet at the Nut Tree [restaurant] in Sacramento. Somebody would fly up from Long Beach, and we'd meet there and discuss mutual problems, particularly as it related to the legislature. As I say, I was instrumental--I was executive director for that for quite a few years before they decided to blossom out into a bigger organization.

McCreery: I can see why it took up so much of your time. How did you respond to charges that you were spending too much time on it?

Nisbet: Well, I just said it's all to our best interests, and I pointed out the legislation we had gotten and the help we'd gotten and that it was important to play a role in that, and they didn't seem to object too much.

McCreery: It must be nice to see how far it's come since it started out. I mean, it really is still going and it's viable and important.

Nisbet: Yes, yes, it is. Again, it was informal, very informal meetings before. I mean, these little operators would get together periodically, informally, and discuss mutual problems.

More on Proposition 13 and TDA Funds

[Interview 7: November 30, 2000] ##

McCreery: We said before we started taping that we might start by talking a little bit more about Proposition 13 today, which of course passed, as you just reminded me, on June 6, 1978. Of course, Mr. [Alan L.] Bingham before you had the advantage of serving before Prop. 13. I wonder, what were some of the effects of that?

Nisbet: Before Prop. 13 and the law being passed that the district was created under, we had an unlimited property taxing authority by the board. Of course, after I took over, on June 6, 1978, Prop. 13 was passed. Various estimates were given to us by our controller, and it looked like we'd probably lose up to $40 million, and so we had to scramble to find something to take the place of that.

Of course, fare increases were one. We hadn't increased the fares since before we took over from Key System, the basic twenty-five-cent fare, since 1958. So we went to the legislature, and there were some bridge tolls that we thought we could get, and one of the first things we did was to look at the existing gas tax funds which couldn't be used--the gas tax in California could only be used for highways--but there were other fuel taxes and additional taxes that were placed on motor vehicles and trucks that were not restricted by that, so we felt we could get some of that.

The TDA funds, of course, were available. That's the Transit Development Act, which [phone rings]--oh, damn.

[tape interruption]

Checking the records, 60 percent of the TDA funds--even with that, we couldn't raise fares enough to make up the difference, so that a lot of time was spent at that time. We managed to get together enough--we had to cut some service and to lay some people off, and raise the fares, to thirty-five cents instead of twenty-five.

It was determined that, in making our pitch for additional funding, that every bus took thirty-five cars off of the freeways, off the highways, during commute periods. If there were no people commuting on the bus, it would take thirty-five cars to transport them to their business. We felt that subsidizing public transit was essential to the community, and we made that pitch several times before the legislature.

As I say, Prop. 13 continued to plague us as time went on, and we had to continue--a lot of my time was spent trying to find new sources of revenue and working with the Metropolitan Transportation Commission in getting a fair share of the monies that came in to them from the TDA and the federal government, to permit us to continue to operate.

McCreery: Now, what kind of financial reserves did you inherit from Mr. Bingham?

Nisbet: Well, there was maybe $50 or $60 million in a reserve fund, resulting from the rainy day fund, but that would soon be dissipated with Prop. 13 funds frozen. We were anticipating raising the local property tax another one cent, which would more than offset that, but then Prop. 13 prevented us from doing that. We knew that [reserve] would certainly dissipate. The details, the actual figures I can't remember at this time.

McCreery: Well, that's okay. We'll rely on the written documents for that. What was it like, though, I wonder, to have the frustration of Prop. 13 and a really changing financial picture for you?

Nisbet: Yes, well, it was difficult and a challenge, certainly. And also at the time--I can't remember when this energy crisis came along, and the price of diesel went way up, which resulted in a shortage of funds. It made it more difficult, on top of Prop. 13, to operate. But, on the other hand, the energy crisis had also affected the people who operated automobiles, and they were a ready market, possibly, to use public transit. So we were in a dilemma: our costs going up but also the fact that we wanted to put on more service to accommodate those who were willing to consider transferring to public transit.

But getting more people to use the buses is a double-edged sword because we only get 30 percent out of the fare box, so in order to increase service and provide service for the people who we hoped to entice out of their automobiles to help congestion, we have to get some funding sources from mainly the political forces in both Washington and Sacramento. We had varying degrees of success at that time. It would ebb and flow, so it made it difficult to plan and know your financial sources.

MTC tried to assure a proper balance between our district and BART and Muni and the other operators, and also a big struggle was between capital expenditures--both

California and Washington people were more than willing to provide money, matching funds to buy new equipment, which would then help other parts of the country, the hometown which built the buses or the other equipment, and less willing to provide operating monies, which is what we needed.

I would say BART had more capital needs for their expansions and their buying new cars, and we were more in need of operating money, [with] some capital for new buses and storage yards and improvements. But that was a big struggle that went on during my tenure as general manager.

McCreery: To what extent did the public take to public transportation as a result of the energy crisis, do you think?

Nisbet: Well, in November of '79 I note there was a 70 percent increase in the transbay usage. That was before BART got into full operation. They were running just to the East Bay at the start of '79, so that we did turn it around to get more people to use it, particularly transbay. But then when BART started, of course, a great bulk of that went over to BART, and that made our financial situation even more difficult because the transbay lines probably came closer to breaking even than the East Bay lines, so that we tried to work out an arrangement where BART would subsidize our dropping transbay, the so-called competition.

Our position was that we should run whatever buses transbay, and their trains, to maximize the use of public transit, because people in certain areas of the district--it just wasn't convenient for them to ride BART. They would ride buses. But I think even to this day they've never been able to work out a really satisfactory split of the revenues coming in to subsidize ourselves.

There was an effort shortly after I took over as general manager, by MTC people and other political leaders, to equalize the fares, that we shouldn't have any competition on fares and that our fares should be as high as BART's, and Muni fares should be as high as BART's in the areas of San Francisco that they run; and Muni and [AC Transit] disagreed with that. We felt that BART was a prestige service, rapid transit, and their fares should be higher, and that if we could attract people who couldn't afford the BART fares to use public transit, who otherwise wouldn't use public transit at all, that we should be able to do that.

That was a constant struggle. We more or less won that fight, so there wasn't any absolute requirement--I think even to this day--that we have equal fares. It's rather interesting that right now the AC Transit, the first leg across the bay, from the East Bay to [San Francisco], charges more than BART for the bus ride. And then we found that a lot of people were taking our buses to San Francisco in the morning and then riding BART back at night. Therefore for a while there they had a differential fee, charging more to go over than to come back. But that didn't hold out.

But it's a constant struggle, and it seems to me that it should be working on a more coordinated system than I assume they're still struggling to get that worked out.

Safety Issues and Security Cameras

McCreery: I'd like to turn now to some of the practical matters of providing service on the buses at the time you were general manager. Now, I know sometime in the late seventies some of the buses started carrying security cameras. I wonder, what were the pros and cons of that?

Nisbet: Yes, there were a lot of robberies and other--assaults of the drivers and passengers on the buses from time to time. We stepped up our--hired a private security firm. I understand now they have the sheriff's office doing it. One of the things we did while I was general manager was put cameras on that would take pictures of the people on the bus and any incident that might take place. Then we also had fake cameras, because we couldn't afford real cameras on all buses. Of course, the public and the people didn't know that.

McCreery: Whose idea was it, do you remember, to start with the cameras?

Nisbet: Well, I think at an APTA meeting--that's our national association, along with our state, CAPOTS, somebody had experimented with them somewhere, and the people who installed the cameras came to our board and described what they were doing and some of the cost parameters. Then we either got some federal help, matching funds, or state matching funds to experiment with the cameras. The union was quite pushing for some means of security for the drivers, and so we put them on. I don't know whether they're still using them or not, but we had them on a lot of our buses, and on some buses, [the cameras] were just dummies.

But it seemed to help, and we did have a few cases that the tapes were used when we did catch somebody, but it was a deterrent, I think, in helping the vandalism and assaulting and actual robberies, in some cases. Of course, the bus drivers didn't have to make change. The fare boxes were locked boxes, so there was not much money there. Sometimes the passengers would get robbed or they caused trouble and would interrupt the operation of the bus more than stealing money, because we had that pretty well taken care of.

In the old days, in the Key System days, they used to make change. We didn't do that anymore. You had to have the exact fare.

McCreery: Was there much opposition to using security cameras?

Nisbet: Well, yes. The union was divided. Some of their members felt that it was spying on them and that they might stop and rest or do things that they didn't want to be watched, but overall it was accepted by the union. There were some objections from people who said it was invading their privacy and so forth, but overall it was more accepted. I just haven't noticed lately whether they still have them or not on the buses.

The other thing was, of course, the radio communication and getting in touch with the security people, where they could move in quickly, or the local police. We had silent

alarms set up that the driver could push a button, unbeknownst to the assaulter, if he had a gun or something, and call the police or the security department people to come, that there was something going on on that particular bus.

In that connection, we investigated locators that would--we didn't have the sophistication they have now to know exactly where that bus was, so in looking at the schedule they might not be right where they should be. So that was another thing we experimented with, to find some way of locating the bus, and that would also apply to breakdowns and accidents and things, as well as assaults.

McCreery: Okay, so for any emergency situation.

Access Issues for Disabled Riders and Senior Citizens

McCreery: I also note that in 1979 the district began the disabled access bus service.

Nisbet: Yes. That was a big bone of contention and very costly. And the first lifts we had didn't really work that well, but I was insistent that we--and we were required by federal law to get federal grants--we had to go along with providing access. There was no way we could retrofit--we did retrofit a few buses, but all of our new buses, at least half of them or more, were equipped with wheelchair lifts. We couldn't have a wheelchair lift on every bus, but every line, we tried to have wheelchair lifts and were able to tell the disabled community that they would be scheduled in proper sequence so that they could depend on getting a bus that would have a lift.

There are various types of lifts we experimented with. Some worked better than others. A kneeling bus with a lift that goes out seemed to be the best. They still have those today.

The other thing that we got involved with down there was the articulated bus, the one that would carry more people. There was some controversy about that, particularly motorists and others, saying it would be bigger and harder to get around. But with the cost of labor going up with our labor contracts, why, it was essential that we be able to carry more passengers, particularly at commute time.

But then there was always a controversy over having to maintain and keep and have our drivers experienced in driving various buses, to have four or five different ones, a small bus and then our articulated bus. There was a group in the operating department that felt we ought to have one standard bus that would go everywhere, and it would be a lot easier to maintain and to run. But the hill areas in Berkeley, for example, call for smaller buses. So finally we bought smaller buses we're still running, on the 8 line and the 65.

The new buses that have a wheelchair lift--some of them do, if you've ridden the 8 bus and the others--not much room left for the passengers because a [seating] section is [lost] where the wheelchair lift is, but I think we leaned over backwards to meet the law.

The Center for Independent Living here in Berkeley--we worked with them. They'd protest and come to meetings, and we worked with them, and I think they're not 100 percent satisfied, but they seem to think--at least before I left--that we were trying to deal with that problem and provide regular service for them.

One of the arguments that some of the people made was that they should be satisfied with a separate Dial-a-Ride or a separate wheelchair lift bus that only carried disabled people, and separate routes. But they wanted to be part of the mainstream, to be able to go down and get the regular bus, and that's what we had to make an attempt to accommodate.

As time went on, the technology and the ability of these lifts to work properly and the operators knowing how to run them has worked out, I think. They're able to do it more now than they could at the beginning.

McCreery: Now, I wonder how these events at AC Transit compare with what other districts were doing about disabled access.

Nisbet: They all had the same problems that we did. We used to meet with our state association and APTA, our national one. That would be always a topic of discussion, and one of the conference items would be on that subject most every time. Manufacturers would come, and they discussed the various ways. It wasn't just our problem. And we tried to learn from other people's mistakes or successes in this area.

There was more pressure here because they have a lot of disabled people in the Berkeley area. They're more vocal and everything. Other areas didn't quite have the same impetus to move ahead. But it wasn't a problem in all the districts. We tried to exchange information and come up with the best answer.

McCreery: I know you had stated federal laws that were guiding all of this effort, but I wonder, to what extent did the staff and the board within the district feel this was important to do?

Nisbet: That was divided. I mean, I would say there was resistance from some of the board members and others that this was too costly to meet the needs of a few people, but they were told that in order to get the federal monies which we needed to buy the buses, we had to go along. Others, who were more sympathetic to the needs of the disabled--[Roy] Nakadegawa and others of that type, who were very insistent that we move ahead in this program, prevailed. It was split, but they were more or less--I wouldn't say forced, but they had to realize that it was required that we move ahead in this area because we wouldn't get proper funding that we needed to buy the buses, to get capital plus operating money, unless we did it.

McCreery: Well, similarly, AC Transit began to provide some special services for senior citizens. Can you talk about those a little?

Nisbet: Well, the first were the fares. We had a reduced fare for senior citizens. Then we'd make an effort to go to senior citizen meetings and senior citizen groups and explain the fare structure as well as giving timetables and encourage them to use public transit, and passes. We encouraged passes rather than having them fumble with money every time. And so we worked out a program. I can't remember the details of it, but we had at one time a sizeable reduced fare if they went off-peak, if they used the buses during the non-commute hours. I don't know whether they still have that or not. That was pretty successful. But it also utilized the buses more during off-peak, when we ordinarily would have empty or very few people on the buses, because gearing up for two big commute times is difficult and expensive, and to encourage the use of it during the whole day would be much better.

So our relations with the senior citizens was pretty good. Of course, they'd complain from time to time about late buses, having to wait. One of the problems we had was shelters. We finally got some of the advertisers to sponsor building shelters and they'd advertise their products on them. Then the cities and the community would object to that, and so we had a struggle to get shelters. I think that shelter program--I don't see many around. I think it has sort of fallen by the wayside. But at one time we tried to get adequate shelters from the rain, especially for the senior citizens.

McCreery: Yes. I know sometimes the shelters cause new problems as well as solving some problems.

Nisbet: The junk left there, and hangouts for kids and drug dealers and other things. So it's a constant problem.

McCreery: Now, how did Paratransit fit in with the other senior services?

Nisbet: As I say, we've got Dial-a-Ride, and we tried to encourage that, but most of that was done by private groups that would get funded to run separate buses. Of course, their labor costs were less, and volunteer help, and that was what--we tried at one time to run a Dial-a-Ride, where you would phone in and the bus would schedule you ahead of time, like a taxi. Pick you up and somebody else. That worked for a while, but it was too expensive, so it didn't work out in the long run. So we felt that was a role for private people that had dealings with the seniors and the disabled people, that they would run a Paratransit and not AC Transit.

McCreery: But in all of these cases of providing special services, it sounds as if the district made some attempts to work with other community agencies and so on. Can you comment on that?

Nisbet: Yes, we did. Virginia Dennison and others would meet with them constantly, trying to work it out, either on our regular buses or provide special buses. But it was a constant P.R. approach that we felt was important, because the senior citizens are one of our

larger users. A lot of them didn't have cars or couldn't use cars and were dependent upon other transit. We felt they were one of our bigger supporters, and we tried to accommodate their needs, both what we charge and the type of service that we provided. But to provide just service for them just didn't work out. We tried to make our regular service more available and encourage them to ride off-peak if they could.

McCreery: Was there any particular person in charge of these efforts during your tenure as general manager?

Nisbet: Well, Virginia Dennison was our P.R. person that dealt a lot with this, and then we had others at times that worked with them.

McCreery: And you, yourself, were somewhat involved?

Nisbet: Well, yes, I would appear on occasion at meetings of senior citizens, and they would come to the board meetings quite often and complain about service or make certain requests on more frequent service, or the fares or that, and I would respond as general manager in the discussions at the meetings.

Affirmative Action ##

Nisbet: The other area of concern during my tenure was affirmative action and then the lawsuit. There were two lawsuits. I mentioned the one on previous tapes about the hiring of women. There was also one on discrimination, not on the bus drivers, because we did hire quite a few minorities, but in the non-union office help, and there was a lawsuit filed. It was settled, and we worked out the things after I took over.

We had a Mrs. Jackson, was her name, head of our affirmative action. She later became a representative in Sacramento and did some work to supplement our lobbying up there.

McCreery: Was the affirmative action effort established as a result of the lawsuit, then?

Nisbet: Well, no, not entirely, because the federal and I think the state requirements had requirements for affirmative action. I think we had--at least when I was there, I think we established a rather commendable affirmative action program, reaching out and talking to various groups about employment opportunities and possible training that was needed in order to work for AC Transit, not only in the bus driver and mechanic area but in the office. So I think we went a long way in meeting the needs and having an effective affirmative action program.

McCreery: Tell me a little more about the actual lawsuit.

Nisbet: Well, Donna Pate was her name. As I say, I don't remember all the details because that was handled by the legal staff at the time. She complained that she wasn't promoted, that she was passed over for promotion within the non-union area. The lawsuit resulted in a requirement that we augment our affirmative action program, which we did. I think today down there it's very diverse. We have quite a few Afro-Americans, and Latinos and women are well represented, I think.

Overall, I think AC Transit then and I think continues now as quite a diverse group of employees that represent all of the different--and I don't know about the top level. I think even there, the last general manager that died a year or so ago [Sharon Banks] was a black lady and was there [as GM] the longest period of time after I retired. She came up the ranks as a driver, then went to law school and was general manager, so I really think AC Transit has a commendable record in this area.

McCreery: Was there, though, a legitimate complaint at the time this lawsuit was filed?

Nisbet: Well, there was talk that she [Donna Pate] was unhappy for reasons other than the affirmative action thing, a disagreement with some of the supervisors and things, and she was hard to get along with. But before I took over, during the Bingham years, either from the happenstance of the promotions or upgrading of people, it looked like she made a plausible case. It looked like there was discrimination. I don't believe there was outright discrimination because of race, but it appeared that way when she and a couple of others were not promoted.

But there were other reasons for not promoting them that we put forward, but the court seemed to think there was some evidence for that, so we settled the case and agreed to establish this program to augment our already-existing affirmative action program.

McCreery: How difficult was that whole issue for you?

Nisbet: Well, I didn't think--I was unhappy with the women thing because I told Mr. Bingham on several occasions that it was illegal as well as for other reasons--being a Democrat or liberal on the political thing--to do it. And the same with affirmative action. So I was always on the side of going along and not resisting it like some of the people on the staff wanted to do, because I thought it was the right thing to do.

Advertising on Buses

McCreery: You mentioned a few minutes ago the issue of advertising. You were talking about--in connection with bus shelters, but I also want to turn to advertising on the buses, themselves. Give me a little history about that.

Nisbet: Personally, I didn't think that we should advertise at all. The little bit of revenue that we got didn't make or break our situation, but it did bring in some revenue. You know,

small signs on the side of the bus was all right, but then they got to where they painted the whole bus as a loaf of bread. You've seen them now, with all these ads on them. And on the inside of the bus they had the ads. I notice now there's hardly any ads inside the bus for commercial products. It's mostly institutional, talking about nonprofit corporations and helping--that type of thing. I told you about the Wirta case.

McCreery: Actually, we didn't talk about that on tape. That goes back to 1967, of course, when you were the attorney. Tell me about that.

Nisbet: Go back to that. Famous case. Women for Peace, I think it was, Mrs. Wirta, wanted to put an ad on the bus protesting the Vietnam War, and we had a policy, developed with our advertising agency--I can't remember the name now--that said that we would accept only commercial advertising except at election time, when we would accept political ads from anybody who was running for office, on issues and on people running for office, and we would offer the other side a chance to--if one came in and--that was our policy. But only at election time would we have issue or candidate provisions.

Well, Wirta and her attorneys, the ACLU [American Civil Liberties Union], complained about that and filed suit. They lost in the lower court, but it was appealed to the Supreme Court of California. As the attorney for the district, I had to argue for our policy, even though I personally disagreed with it. On the other side, it was Casper Weinberger, the attorney for the advertising company, who later--well, he was former assemblyman in California; later came to be on Reagan's [presidential] cabinet.

Anyway, the Supreme Court of California ruled against us. It was a 4-3 or 5-2 position that said that if we offered advertising on our buses and allowed--they skipped the question of whether we could limit it to just commercial ads at all times, but since we did allow political advertising at election time, we had to offer it at any time. It was a free speech question, and we were a public agency providing this service, and we had to allow this sign.

So there was some talk of appealing to the United States Supreme Court. That would have been my only chance in my life to argue, on the wrong side of a case, in my own view, before the United States Supreme [Court], with Casper Weinberger. But they didn't appeal it. The ad went on, and everybody was worried that we would be deluged with all kinds of anti-Vietnam signs and everything, and it never happened. I think maybe one other one after that came along, so it turned out not to be a big thing. But at the time, it was quite an interesting case.

McCreery: Yes, the principle is quite interesting, isn't it? Yes. So by the time you were general manager, the district had been carrying advertising for years.

Nisbet: Oh, yes.

McCreery: And it was nothing new. Did you make any changes in that area, or try to make any?

Nisbet: No, no. I remember kind of a heated competition between the people who wanted to do the advertising for us. A new group came in and said they would pay more and do better, and the board was split. Just like everything else, the board gets wined and dined by various people, especially at the state and national conventions. These advertising people are quite aggressive, and they would be there, and they would get the ear of the board members and say their approach was better than the others' and stuff. Anyway, that's what I remember. We did switch advertising agencies during my tenure.

But nothing was done--I don't remember--I'm almost sure that during my tenure we didn't have that whole-bus thing. That was done when I left. We had signs on the side and a couple on the back, but not that big painting the whole bus like a loaf of bread and things that they do now, which I think is too bad, because we paid considerable money at the start to design a color scheme for the buses, which I think was pretty attractive. Now they've got this all-green bus, which I don't like. Some people like it.

McCreery: Yes, it's just certain routes, the San Pablo corridor.

Nisbet: Yes, the newer buses are that way. So anyway, that was just a small matter in the total picture of things, but it produced a little revenue and did help some, in the overall scheme.

More on Safety and Security; Service Cutbacks of the 1980s

McCreery: Well, we touched a little on safety issues for drivers. You mentioned how the security cameras and other deterrent things fed into that. But I wonder, when you were GM, do you think you had to pay more attention to safety issues than your predecessors had?

Nisbet: Well, a little bit more. Of course in today's world I guess it's--well, during the Vietnam War there were a lot of protesters and people doing things, and there would be a lot of problems in certain parts of the district that created problems for our passengers as well as our drivers. It was mainly our drivers that would come and complain about conditions.

I wasn't satisfied with the Richardson Security Company that we had, but it was a minority owned [doorbell rings]--excuse me.

[tape interruption]

Nisbet: Minority owned. And since we had an affirmative action program--also with our contract, contracting out for services, we'd have to consider that, too. And so it became difficult to change them, but they were quite influential with the City of Oakland and city council members and in with the minority community, so it became difficult to get rid of them. But yet the drivers and others from time to time would complain that they weren't there when they should have been. They called them, and they didn't come, and when

they came they didn't--in a few incidents we had they had to appear in court when they caught somebody, and it just wasn't that satisfactory.

Since I left, they now contract with the sheriff's office, which I thought is what we should have done in the first place, another public agency, the sheriff, with the local police department or some official agency. So the sheriff's office does it now, and I think that is much better. I assume the service is as good or better, especially now in today's world of communications being quick and the drivers can use their silent alarm or their phones to contact them.

But the Richardson Company people were around then. They would patrol and be in places where some of these incidents might happen, and also close contact within the sheriff's office. They had close contact with the sheriff and with the other police departments. But it became a political issue, unfortunately, because if you have a group that has a high percentage of minority--another thing, frankly: I didn't feel they were that well trained. In fact, a couple of the members of the Richardson police force turned out to have records, criminal records. Anyway, it was a sticky issue we had to deal with.

McCreery: I'm thinking now of another sort of sticky issue, if you will. I noted in [the May 1982 issue of] *Transit Times* that in 1982, just before the start of the new fiscal year on the first of July, you felt forced to lay off 140 employees. Tell me about what you went through.

Nisbet: Yes. You know, I have a block on that. I don't remember doing that, but I did notice [leafs through pages] that it was a funding shortfall of some kind.

McCreery: Here's the article from the May '82 *Transit Times* there, if that helps you, to have a look at that. I'm just interested in your own memories of it.

Nisbet: I remember I had to do it. Oh, yes, what triggered that was that we lost--Contra Costa County set up their own transit district and ended their contract with us for service out there, so that almost, in itself, accounted for a good part of that, having to reduce it, because we weren't serving that area anymore. We weren't getting in any money on a contract basis. They decided to go on their own, one of the reasons being labor costs.

See, that area was not in the district boundaries, but they contracted with us for a number of years for that service. But then they ended at this time, and that made a big difference in our revenue picture.

McCreery: Was it hard to decide how to cope with that budget problem?

Nisbet: Well, we didn't have much choice. If we lost the contract, we had no way of absorbing all of those employees working out there, and we had to let many go. If I remember correctly, though, we later were able to get some more funding, and we hired back a lot of them. Within a year or two, a lot of them were hired back. But that's my recollection. That was one of the key things that we were involved with when they decided to go their own way on it.

Selecting and Working with Upper-Level Managers

McCreery: Okay. This leads me to ask what kind of help you had on your top-level staff when you were GM. I notice Lawrence Rosenberg was one of the assistant general managers. Tell me a little about that.

Nisbet: Yes. He was the secretary of the board for a number of years, and then he went into administration, took George Taylor's place, who retired or left early. He didn't come over from Key System. He was recruited outside in the early days. Then we had--

McCreery: Robert Shamoon?

Nisbet: Shamoon, yes. He was over from Key System. And Harold Davis was over from Key System. And then [Tony] Lucchesi was in charge of the maintenance. Shamoon came up from the ranks under Key System and became assistant manager there and then came over to the district, and the same with Harold Davis. They were cut from the old school, competent enough in knowing and dealing with labor and administering the departments, seeing that they did their job properly. But they didn't have understanding of being a public agency and the need for public relations and dealing with the legislature and all of that. They were technical people running a transit business.

McCreery: Where did that leave you?

Nisbet: Well, that made me to fill in the gap. Even though I was still general manager over the operations, I still had my thoughts and needs in the public relations, dealing with the legislature and scrounging from time to time to get more money, dealing with the funding sources in that respect. I left up to them the day-to-day operation matters. Maybe I should have had more hands-on with that, but that was not my forte, so I relied on them to do that.

McCreery: Were there major instances where they disagreed with you?

Nisbet: Well, they would disagree among themselves about what to do or how to accomplish the cutbacks in service and service requirements--you know, each department thought that funding their department should be uppermost. So I think that Harold Davis, and Shamoon to some extent, were sort of my hatchet men, but they would have to make the nitty-gritty decision that you're going to fire this many people or you're going to cut back in this. Then I would back them up.

Usually it would be technically my decision, but I would rely heavily on them and their recommendations. I would say that we have to do it; we have to fit within this category of funding restrictions. And then they would have to come up with a way to do it. I sometimes felt that we could cut down on some of the expenses of the departments, that cutting service to the public and raising fares would be a last resort, that we should look within our own organization to try to see where we could find economies and save money, and only resort to that, rather than doing that first and continuing on.

The Financial Complexities of Managing the District

Nisbet: And sometime during there we hired Crane and Associates from the outside to do an efficiency review. They came in with recommendations on where we could save money and stuff, and our board went along with it, more or less. But some of the department heads were unhappy because it cut theirs rather than some of the others.

McCreery: What did they recommend? Does anything stand out in your memory?

Nisbet: I can't remember, no. It was mainly--I can't remember. Somewhere--I don't know whether that report--I didn't find it in my documents. But there was, you know, grumbling among especially Shamoon and Davis and some of the others that we could do it on our own, that we didn't need any outsiders to come in.

But one of those studies was almost dictated by the legislature, particularly under Jerry Brown. His transportation secretary, Mrs. [Adriana] Gianturco, felt that we were wasting money, the TDA money we were "pissing away," she said. She's from Harvard, from Radcliffe, and that was her language. And so then they had this requirement that we come up with an analysis of where the money was going and how many staff we had to do this and that. I can't remember the form or even the dates that took place, but there was always grumbling from time to time by the legislature, their funding policies, to see that we were not wasting the money.

It was a constant struggle. If we could get it all out of the fare box, then we wouldn't have all of these people breathing down our necks, but when you start looking to the federal government and the state government and others for it, they're going to start to put in--politically they have to say that they're insisting on efficiency and all this, so it's a constant struggle. It's still going on today, back and forth.

Then they set up MTC, which then burgeoned into a large staff. They have people all over the place, going over what you're doing and how you're spending the money and dividing up what money there is. So it shifts from operating a transit district to operating a regional agency, which--in my view, if they just had a set policy from Sacramento that these are the categories that would be funded and then have an accountant afterwards or a review afterwards, it would be better economically than having a whole new organization like MTC and these other agencies on the state level that have a big bureau and their expenditures for executive directors and all their staff. If that were spent in the monies coming down to BART and AC and Muni, we could do a better job with the same dollar and set up some form of review that would satisfy the politicians without having all this extra bureaucracy. That is my feeling.

McCreery: Yes. But, of course, that never happened.

Nisbet: No.

McCreery: And I wonder, how frustrating was that for you?

Nisbet: Oh, yes. I mean--well, on the one hand we were unhappy that we had all these people, but at least it was local here, rather than Sacramento. Dealing with Sacramento, the changes in administration, people like Gianturco and the others who didn't understand what we were doing. At least it was in the regional level. But still it was somebody else telling us what to do and they know better, and they sort of forced us into doing things and going to meetings and justifying ourselves, and then their large staff, sitting down and working out questions to ask us and things to badger us, to make sure to justify their existence. They couldn't just sit there and say, "We're doing a good job." They have to find some reason to give us a bad time. So that's just my feeling.

The other area that I think is the Regional Transit Association [RTA] and our attempts to work on that. I felt that that was given a lot of emphasis after I got in. It started under Bingham, but in joint purchases of equipment, working on joint fare structures, working on going out to bid for batteries or for other things that we all use and getting a better price because we would do it [together], and working together on the practical, sensible things. [doorbell rings] Excuse me. Sorry.

[tape interruption]

Nisbet: Then they set up--through MTC--set up the Transit Coordination Committee, transit operators. They're still meeting, I assume. So we had sort of our own regional transit association where our technical people, our operating and maintenance and office supply and all that would meet and talk about joint problems. Then the coordinating council. We had to talk about joint fares and transfers.

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McCreery: Continuing from the previous tape, you were talking a little bit about the coordinating council and what the different sections discussed.

Nisbet: I felt those were useful meetings where the operating people--Muni, AC Transit, BART, central Contra Costa, Marin County, and San Mateo County, and others who were operating in the area. It was a useful thing. We got together as people who were doing the operating. While it was sort of under the auspices of MTC, it wasn't wrestling with the problems of dividing the money and things where we would fight or have disagreements with each other on. It was more where we could cooperate and work things out together. As you know, during all this period, there were various attempts at regional government. Did we touch that?

McCreery: Yes, we did.

Nisbet: Of course, none of them really succeeded, but I feel that some form of regional government would be desirable. It's not going to happen in my lifetime, I'm sure, but coordinating or consolidating transit operations such as we do, but also in the area of land use and zoning and everything else, so that we do these problems of growth and new developments and taking into account transportation problems, highways, schools, and everything else, would be done rather than city by city or county by county, done in a

regional basis. It would make more sense. But each individual city is jealous of their own prerogatives, and I don't think--it's not going to happen.

You can see Emeryville now growing, high rise and everything else, and other cities struggling with keeping the bay unfilled. It's just the nature of the thing, but it's unfortunate. It's just my observation.

Thoughts on Being General Manager

McCreery: I wonder, overall how did you like being general manager?

Nisbet: Well, I think I touched on that before. It really wasn't my forte. I think I was an attorney by trade and a representative in Sacramento and that type of thing. I felt that's where I was able to do an adequate job, and being manager was not--it just didn't--this wasn't something that I felt comfortable with, and I guess eventually the board felt the same way!

That's just the way I feel, that my abilities were more in the line of consulting and attorney and dealing with the legislature and working that arena, rather than managing a bus operation.

McCreery: Was there a particular point, out of your whole career, that you think was the perfect fit or the most wonderful moment for the skills that you bring?

Nisbet: [laughter] Well, I think that the beginnings of when we put together--the transit district got started, got the bond issues passed, and took over from the Key System and began to operate. That was--I was the attorney, and I could do the things I wanted to do in the legal area for the district, and then deal with Sacramento. That was probably more comfortable during those periods.

McCreery: As you know, I talked to Dorothy Massie at length on the phone one day, and she said she thought you were happiest at the start of the district, that time that you were working together.

Nisbet: Yes, I'm just trying to look back on it, I have to agree, as far as--yes.

McCreery: It sounds like those were exciting times, certainly creating something new.

Nisbet: Yes, and the day-to-day operations of the transit district was not--you know, way back, my earlier life in college and afterwards, my involvement in politics was more on the liberal side and the labor side and all that. And of course being attorney for the district, I still represented management but still I was able to deal with the unions, and talked to them and worked with them in Sacramento. But being manager, then you had to--Bingham's style was arms length with the union. He dealt with them, but--and I felt, and

I did the best I could during my tenure, was to involve them, not only when the contract was up for renewal but all the time involving the union, get them involved in things we were doing and have meetings with them occasionally.

It was difficult to get staff who grew up in this other attitude of "arm's length with the unions" particularly, and I was somewhat successful but not too successful. But I think that's important, to keep a dialogue going all the time with all of your employees, union and otherwise, and have some means of communication on the various issues, instead of--some of the old timers who would like bus "Roadeos" and contests to determine who was the best driver and that type of relations with the union. I felt they should be involved more in the gut issues of finding the money to finance it, dealing with the federal government and state government on these issues, and getting their help there.

McCreery: How much support did you have for your ideas on the board?

Nisbet: Well, varying degrees. I mean, I didn't probably press them as much as I should [have], but they went along fairly well. But they would go to these annual meetings of their association, and state meetings, and get ideas from others of how things should be done. There was more demand for people that had been in the transit business, and "Do this and do that." I don't know. That's why it might be not all flattery, but I think--you know, I'd like to know--Nakadegawa would be a key one, because he was not one of the buddy-buddies of the board and the old timers. He defeated one of their buddies to get on the board. But he would participate in all the decisions, including the decision to encourage me to retire early, and I just would like to know from him--maybe I should call him and have lunch or dinner with him.

McCreery: But you'd be interested in what others say in the oral history project?

Nisbet: What others would say about my style. I'm afraid my style wasn't the style of the typical, known general manager, like Bill Stokes and [L. A.] Kimball, Keith Bernard of BART and the others of that ilk. But it seems that, like school superintendents or city managers or those types of things, it seems to be they come aboard enthusiastic, but they don't last. Sooner or later that board, the elected board, wants to find somebody different, and you'll notice there's a whole cadre of city managers who go around to various cities. There are various school superintendents who go from one school district to another.

That wasn't my forte. That's what they sort of hinted. Well, if you leave AC, you go --San Mateo--one of the board members in San Mateo talked to me. I wasn't interested. There was a vacancy there. Maybe I should have, but I just didn't have the desire to go on being in that arena, in that cadre of being available to be a general manager of various transit districts; when one gets tired of you, you go to another. That wasn't my forte. I'd rather be the attorney and maybe go get some more law work, but I didn't. I just decided to retire. I did a little consulting.

McCreery: Well, as you say, the board encouraged you to retire early. What form did that take?

Nisbet: Well, they called on me and said they were thinking of getting someone that had more experience. That's what I'd like to know, what was behind them. I didn't--I was sort of tired of it anyway, so--I was sixty-five, normal retirement. I probably would have stayed on, if I hadn't been pressured, for two or three more years. So we negotiated--they continued me on the payroll for a year, as consultant. I did no consulting. Sort of a "bronze parachute," you know. I figured they figured that I might sue them for age discrimination or something. Being general manager, I was subject to their hiring and firing and had no civil service tenure or anything like that.

McCreery: So you had a few other nibbles but you decided not to do anything else?

Nisbet: Well, I did some consulting work for a while. There was a brake company that makes brakes and a couple of others, but I just had enough to get along on. My son and I got lucky in an investment, so I had some money. And then with the family and children--we like to travel. We did a lot of traveling. So I just retired. Did some civic--like on the Bay Area Air Quality Management District and the redevelopment agency in Berkeley here, civic duties.

McCreery: And certainly all those issues tie in with the work you did all those years.

Nisbet: Yes, that's right.

McCreery: So that's good experience to bring.

Successors as General Manager; Board Issues

McCreery: Well, I wonder, are you in a position to tell me anything about your successor, Mr. Kimball?

Nisbet: I didn't know an awful lot about him. He had bounced around. He'd been in several places. I happened to talk to some of the other members of the other agencies, and they said he was unsatisfactory--he left theirs because he did a lot of talking but didn't follow through. In the little group that I talked to, he was one of those guys that's always available and has bounced around on four or five jobs, and in my view wouldn't be what our board was looking for. It turned out to be true. He lasted six months.

There was a personal thing with him. His former wife lived down the street here, and I knew her. His son and my son, Jeffery, were partners in their automobile business, so I heard somewhat from her how he treated her in his personal life, which was not very honorable. So that colored my view of him, and I was right. He didn't last but six or seven months.

McCreery: And indeed, the district had a succession of general managers after you who didn't last.

Nisbet: Four, five or six before they got Sharon Banks, the black lady. She just died not too long ago.

McCreery: What do you think was going on that they had so much turnover? Do you have much knowledge of that?

Nisbet: I don't know. It made me understand more their attitude. They were looking for something that maybe wasn't there when they sort of encouraged me to retire, and therefore they jumped to Kimball and then they got Nat Gage, who was the finance director for the district, and he didn't turn out. And then they got Gardiner, who was an up-and-coming young guy in the district. I mean, they were floundering around, never settling on--they didn't know what they wanted. In my view, they weren't sure in their own minds what they were looking for.

And they'd go to these meetings and people would say, "What you need is someone with all these characteristics," but of course all this time the financial problem was plaguing them. Still is. Of course, Measure B will be helpful.

They just were beginning to feel their oats and going beyond, in my view, what the original thought was, that people who served on the board should be businessmen or people involved in a lot of other activities, and this is a part-time civic duty, that they'd meet occasionally and overlook the overall district.

But they got more involved in the day-to-day stuff and also trying to feather their own nest with retirement benefits and health and welfare plans that nobody ever envisaged that the board of directors should have. In fact, the legislature prohibited them from the health and welfare plan, but they couldn't make it retroactive, so those that were on the board at the time continue to get it, but the rest of them weren't able to have the retirement. But anyway, that happens to a lot of boards of directors. They get imbued with their importance and look for the magic bullet to, in their minds, run the thing.

Looking Back: Strengths, Preferences, Influences

McCreery: Well, you lasted six years in that job. So that ended up looking like an awfully long time, compared to what came after, didn't it?

Nisbet: Yes, you're right. That's what I said sort of justified my position. But, as I say, I should have realized, moving into the management end of it as distinguished from the other, that I got into this arena of: you're a manager here today and you go somewhere tomorrow in the management arena. And that's not--my feeling was that AC Transit was it. That was mine.

McCreery: Are you a lobbyist at heart?

Nisbet: Well, maybe. Maybe that's my forte. But dealing with the legislature is frustrating. You deal with people and have to kowtow to people that you wouldn't have a thing to do with in your private life, in some cases. In some cases they're very fine people. But anyway--

McCreery: I wonder, who was most influential to you, one or more people, in your career?

Nisbet: Well, there's a Republican, Arthur Breed, the senator who drafted our first legislation. He was quite influential. And the senator, Jim Mills from San Diego, who was president pro tem of the Senate and very active in transit. Helped us get through the TDA Act, which--we would have died after Prop. 13 if that hadn't passed. He's now still active. There's a high-speed rail program underway. I get their literature. He's on that board and he's on the San Diego Transit board, even though--so he's stayed, keeping his finger in--he was very influential, and we were very close in a lot of things that went on in the state.

McCreery: How much did you keep up with the district here, after you separated?

Nisbet: Just didn't keep track at all. Didn't go to the retirement meetings or anything. They have luncheons every month. I get the minutes, but I just--I guess you're right, that the legal work and the lobbying work and that arena was my forte. Management was not. So they and I shouldn't have probably continued as general manager. I should have gone back and been the attorney again, instead of--they looked around, and then they offered me--said they couldn't find anybody and offered me the job. So anyway--

McCreery: It was good of you to move over into that area, because they did ask you.

Nisbet: Especially when 13 came along, we had a real struggle and managed to survive by scrounging around and coming up with devious alternatives to keep the thing going.

McCreery: Yes. What about recent developments in the district? I'm sure you follow those with interest.

Nisbet: Well, just this last one, with Proposition B. It won last time [earlier this month]. If it had failed--so I haven't really followed that closely. Maybe I should. But I'm glad they got the funding they needed to continue. Being there [at the district office] yesterday, the contract--they're going to have to negotiate a new contract. Whether they'll have difficulty with that--it's not going to be easy because they know they have some money, but they don't want to give the store away. And with Muni in San Francisco setting a high goal for those union members here to meet, one of the highest paid in the country when it comes to transit operators. AC Transit people are not going to want to be too far behind. That's going to make it difficult.

McCreery: Are you acquainted with Rick Fernandez, the new general manager?

Nisbet: I just met him the last time I was there. The assistant general manager I saw yesterday. I don't know. I don't know him. He came from--I forgot what his background is. The attorney there--came from the city attorney [office], like I did, the new attorney for the district. [Richard] Kassis didn't want to be--he wanted to stay as a trial attorney to

handle any claims, and he's also vice mayor of Emeryville. He lives in Emeryville, and he's on the city council. Now he's going to be mayor. They rotate it. That's his duties.

McCreery: And, of course, they had a lot of support for Measure B this time around, even though they didn't in the last version.

Nisbet: Yes, the Sierra Club came around. A good 75 or 80 percent of the west part of it goes to AC Transit. South county--a lot of it goes--some to highways and other transit projects down there: the bus system and stuff. But even so, the assistant manager I talked to yesterday said that down the road, as costs go up, [Measure B is] not necessarily going to solve all their problems, but it will keep them going right now, and he hopes to reinstate some of the lines they had to cut and hopefully keep the fares low. I think that's important.

You know, in my day, when Jim Mills was president pro tem and transit was high on the agenda of the legislators, funding was easy to come by and there was some thought of making--I think I mentioned this before--public transit free, to encourage people to use it. Make it free, and that would be money well spent because the vast cost of AC Transit is collecting the monies and handling them and dealing with it. If they didn't have to do that, they could provide more service. And then the monies to run it, pay for it out of taxes or out of gas taxes, the automobile. I think people would use it if it was there, and it would be one way of relieving the congestion on the freeways, hopefully.

But it's not going to happen. Even our Democratic legislators are insisting on more out of the fare box. "You've got to tighten down and be more efficient."

McCreery: And meanwhile the freeways and the commute problems and so on have only gotten much more complicated, haven't they?

Nisbet: Oh, absolutely, yes. The thing that was mentioned in here about--when I mentioned the senior citizens getting reduced fares at off-peak [hours]--you know, I told you that happened in Los Angeles during the Olympic games, and it happened again during the [Republican National] Convention down there, that industry would adjust their hours and they would change their times and make an effort to encourage carpooling and transit usage by subsidizing that, rather than just parking. And it worked. But then, when that was over with, they drifted back to the current problem.

I mean, there's something in these areas that can be dealt with, especially with regional--the new developments--the big new development they're talking about in Contra Costa County and other places. They ought to take into account public transit and have them help subsidize. Not everybody is going to be in it. You build these new homes, and then everybody has two or three cars, and further jam up the area. So that's the optimistic, Pollyanna-ish view. It's not going to happen, I'm afraid.

McCreery: Do you still have hope?

Nisbet: Well, some hopes that, as I said--one time in one of my speeches I said people aren't really going to pay attention to really doing something about congestion and helping

public transit until they're on the freeway and it completely stops and it doesn't move and it doesn't move, and they all have to get out of their cars and walk back home! Maybe then they'll begin to think that something's got to be done.

McCreery: You've really taken the big view over the years, of how all these things are related.

Nisbet: Yes, I tried to, tried to, but it hasn't always been easy. There are too many people only interested in their own little compartment, having their car, their freedom to drive it, or having their little part of the pie and not worry about the rest.

McCreery: You'd like to see them get together on this?

Nisbet: Yes. But how to do it, what form it will take--I'm disappointed in our current governor [Gray Davis]. I thought he would be more cognizant of some of these reasons, but he seems to be going along on that same path the others are.

McCreery: Well, I wonder what else I should have asked you.

Nisbet: Well, the role of the University [of California]. I don't think the university--in its courses, in its studies and its emphasis--gets into these arenas as much as they should. I think [students] learn the technical things. They learn how to be technicians, chemists, Silicon Valley, the computers and all of that. But they spend too little time on these issues that we're talking about here. They ought to be training young people to be thinking in terms of the congestion and the transit and dealing with these problems of growth. Sure, they have the planning and all that, but I think that's an area that would help in this arena. And that would filter down to people they deal with, their families and so forth, and up to the legislature, so they would then begin to give more thought to this.

McCreery: Well, I wonder how that can get started. Any ideas?

Nisbet: Well, I don't know. If I had multi-million dollars, I'd endow a chair in this arena and encourage people to get their degrees and stuff. I don't know what you'd call it. It spills over into several disciplines. I don't know what you'd call it, but it's one that I think needs to be done. Once in a while, somebody will spill over or some legislator or some bill will do part of it, will consider some aspect of it, but--

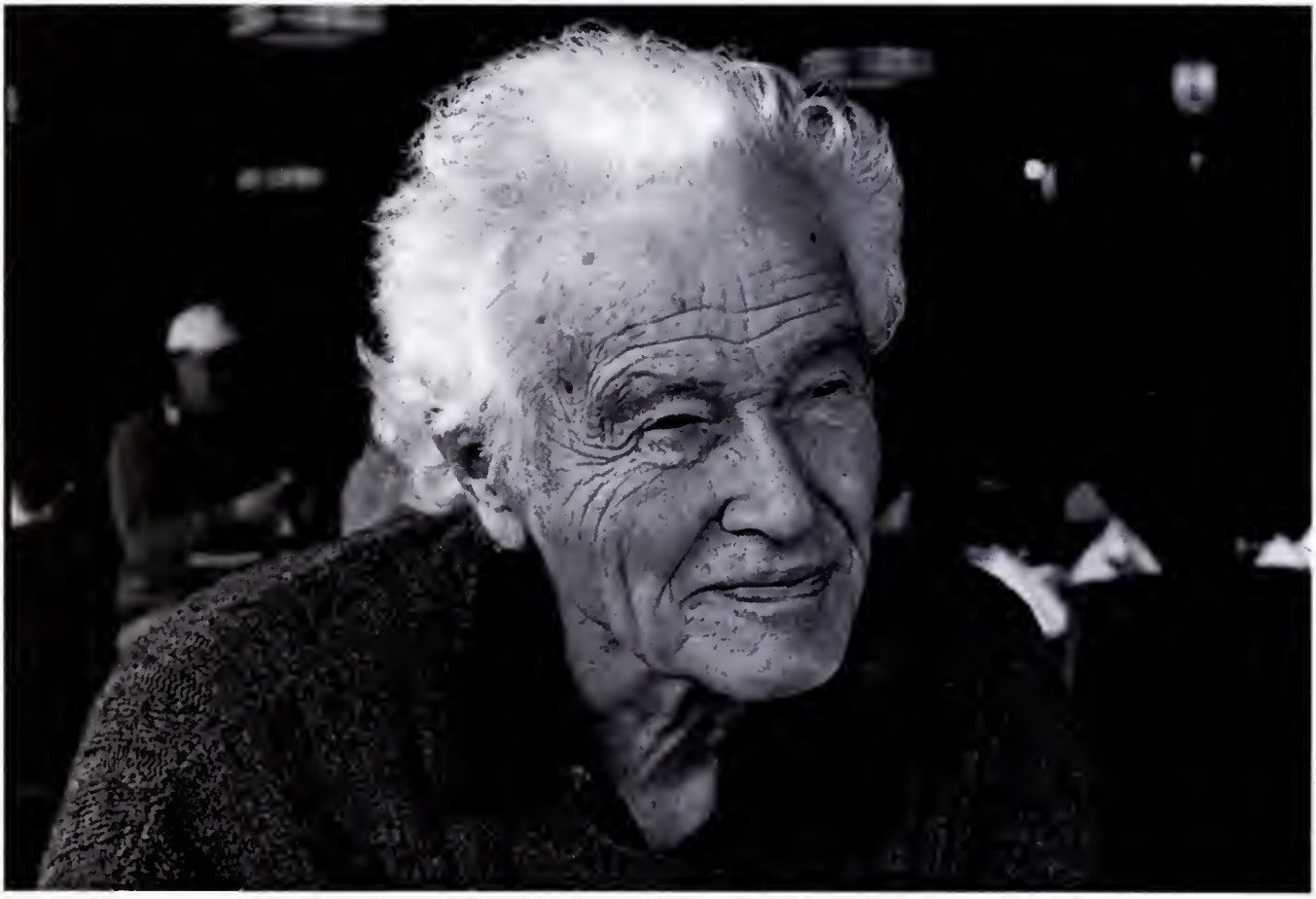
McCreery: Well, I still see a lot of optimism in your outlook.

Nisbet: Yes, yes. I'm not being too defeatist. The current [presidential] election--oh, God--I don't know if it'll ever be decided.

McCreery: Yes, that's one for the history books.

Nisbet: Somebody said, "Well, the son of Bush stole the election fair and square." [laughter]

Transcribed by Mim Eisenberg
Final Typed by Shannon Page



Portrait of Robert E. Nisbet taken by his daughter, Christine Toscano, in 2001

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MINUTES OF MEETING HELD IN THE
LAW LIBRARY OF THE OAKLAND CITY HALL
ON THURSDAY, JANUARY 13, 1955,
RE TRANSIT LEGISLATION.

In the absence of the Chairman, John Phillips, due to illness, Wesley McClure, City Manager of San Leandro called the meeting to order. It was stated by the Chairman, invitations were extended to representatives of the eleven East Bay cities and the two counties served by the Key System, together with the City and County of San Francisco, to attend the meeting. The following people were present:

Sherwood Swan	(Member of the Alameda-Contra Costa County Transit Committee)
John Marr	Assistant to the City Manager, Oakland
Carl Froerer	City Manager, Alameda
Kenneth Smith	City Manager, El Cerrito
Wesley McClure	City Manager, San Leandro
Edwin Howell	City Manager, Richmond
Mayor Clair MacLeod	Piedmont
Kathy Zahn	Councilwoman, Albany
Fred C. Hutchinson	City Attorney, Berkeley
John W. Collier	City Attorney, Oakland
Robert E. Nisbet	Deputy City Attorney, Oakland
William Born	Deputy City Attorney, San Francisco
William Masonheimer	Assistant City Manager, El Cerrito

Mr. Fred Hutchinson read a recent communication from Senator Arthur H. Breed, Jr. in which it was asked whether or not the group would approve of limiting the Bill to the counties of Alameda and Contra Costa. After some discussion, it was decided not to take any action with relation to this request.

Mayor MacLeod reported on the action of the sub-committee of the San Francisco Rapid Transit Commission of January 11, 1955, at which they approved of the Transit Bill if certain clarifying changes were made therein. A summary of the sub-committee's suggestions was presented by Mr. Nisbet and it was moved and seconded and unanimously adopted that the amendments suggested by the Rapid Transit Commission's sub-committee be incorporated in the Bill.

Chairman McClure then presented the proposed amendments of the City Managers' sub-committee, prepared by John D. Phillips, City Manager of Berkeley.

The first group of amendments concerning the organization and selection of the governing board of the district was discussed at considerable length by the members present. The suggestion presented by the Phillips' report to the effect that each City should have a representative on the Board, with the larger cities having additional representation according to their population, was offered in substitution of the existing provision in the Bill providing for a Board of five members elected at large after nomination from wards within the district. It was proposed by John Marr that since it did not appear that any agreement could be reached on the matter of the composition of the Board, that the Bill be introduced as presently written and that further discussion be held with a view towards possible future amendments. This suggestion was adopted by the group.

The next topic of the Phillips report was the question of the General Manager's powers. Suggestions contained in the report to strengthen the power of the General Manager were adopted by the group and it was requested that the suggestions be incorporated in the Bill prior to its introduction.

The next topic of discussion was the proposal of the Phillips report that the Civil Service provisions in the Bill be eliminated and that a merit personnel system be substituted. After considerable discussion, it was agreed by the group that the merit personnel system as proposed by the Phillips report be adopted with the exception that the personnal board be given the power to overrule the General Manager with relation to disciplinary matters instead of having merely an advisory power as proposed in the Phillips report.

With these changes, the Phillips report sections dealing with the merit system were requested to be incorporated in the Bill prior to its introduction.

The suggested changes by Mr. Rowley of Orrick, Dahlquist, Herrington & Sutcliffe in his letter of November 19, 1954 addressed to Mr. Collier with respect to the bonding provisions of the Bill were approved by the group and requested to be incorporated in the Bill.

Mr. Nisbet was directed to incorporate the changes agreed upon by the group and to transmit the amended Bill to Senator Breed for introduction in the State Legislature.

Meeting adjourned.

Respectfully submitted,

Robert E. Nisbet
Deputy City Attorney
Oakland, California

APPENDIX B

ALAMEDA COUNTY LEGISLATIVE OFFICE
1111 JACKSON STREET
OAKLAND 7, CALIFORNIA
PHONE: TEMPLEBAR 2-3884

SACRAMENTO ADDRESS
STATE CAPITOL
ZONE 14

ARTHUR H. BREED, JR.
SENATOR FOR ALAMEDA COUNTY

COMMITTEES
BUSINESS AND PROFESSIONS
FINANCE
PUBLIC HEALTH AND SAFETY
REVENUE AND TAXATION
CHAIRMAN
TRANSPORTATION

California State Senate

Oakland, Californi a
June 15, 1955

Mr. J. Knight Allen
Economics Research Division
Stanford Research Institute
~~Stanford, California~~

Dear Mr. Allen:

Thank you for sending me TABLE B of your study "DISTRICT" TYPE RAPID TRANSIT ORGANIZATIONS FOR METROPOLITAN AREAS. I find this comparison very interesting. I wish you would please send this comparative table to:

Mr. Robert E. Nisbet
Deputy City Attorney
City Hall
City of Oakland
Oakland - California

and ask that he verify for you the various items that appear in the final column as they relate to the final Act as passed by the Legislature.

Mr. Nisbet did the detailed drafting and analyzing of this Act, in fact, I do not think there is anyone who knows as much about what the Act constitutes as he does. I know he will likewise be interested in this comparison as there may be some need for changes from time to time and the table may be very helpful to him in considering such changes.

Sincerely,

ARTHUR H. BREED, JR.

COPY

WALTER I. DAHL

MEMBER OF ASSEMBLY, SIXTEENTH DISTRICT

ASSEMBLY

CALIFORNIA LEGISLATURE

June 15, 1955

Mr. Wayne Thompson
City Manager
City of Oakland
City Hall
Oakland 12, California

Dear Wayne:

Now that the Legislative year is over and S.B. 987, Transit District Bill is a reality except for the Governor's signature, which has been promised, I would be very remiss if I did not tell you all of the fine work that your City Attorney, Bob Nisbet, put into making this bill a reality. Bob has done an excellent job of coordination of the cities and other interested parties in the area, and was of invaluable assistance to Senator Breed and myself.

Will you accept my thanks and express my personal appreciation to Bob.

Most cordially,

/s/ Walter Dahl

WALTER DAHL

WD:pb

CITY OF OAKLAND

CALIFORNIA

OFFICE OF CITY MANAGER

June 17, 1955

WAYNE E. THOMPSON
CITY MANAGER

Dear Bob:

I am enclosing a copy of a letter which I received recently from Assemblyman Walter Dahl commenting upon the good work which you did in connection with the Transit District Bill.

We want to take this opportunity to tell you how much we appreciate the wonderful job that you have done and we are proud of the credit which you have brought to the City of Oakland.

Sincerely,

Wayne

Mr. Robert E. Nisbet
Deputy City Attorney
City Hall

ALAMEDA COUNTY LEGISLATIVE OFFICE
1111 JACKSON STREET
OAKLAND 7, CALIFORNIA
PHONE: TEMPLEBAR 2-5884

SACRAMENTO ADDRESS
STATE CAPITOL
ZONE 14

ARTHUR H. BREED, JR.
SENATOR FOR ALAMEDA COUNTY

COMMITTEES
BUSINESS AND PROFESSIONS
FINANCE
PUBLIC HEALTH AND SAFETY
REVENUE AND TAXATION
CHAIRMAN
TRANSPORTATION

California State Senate

Oakland, California
June 21, 1955

The Oakland City Council
City of Oakland
City Hall
Oakland - California

Gentlemen:

Now that the legislation that permits the creation of a Transit District in Alameda and Contra Costa Counties has been signed into law, it is both fitting and proper that I write you concerning our joint efforts in the enactment of this legislation.

It was your decision to direct your City Attorney's office to confer with the City Attorneys of other cities in Alameda and Contra Costa Counties, that are served by the Key System, that started a chain of events that enabled this Transit District to be perfected.

Many meetings were held by your City Attorney's office and the other legal counsels on this subject, with the net result that the Transit District legislation has been very thoroughly considered in its legal aspects.

Most noteworthy among the many who conferred so diligently on this subject was one in your City Attorney's Office and that is Mr. Robert Nisbet. Mr. Nisbet, in addition to attending the many conferences that I mention above, discussed policies with the Assemblymen of Alameda and Contra Costa Counties as well as with me. He was ever willing to give his best efforts toward the perfecting of a sound and workable Transit District Law. Many of these meetings were at a personal inconvenience to him, but he graciously participated without uttering a word of complaint.

COPY

The whole quality of Mr. Nisbet's work and the manner in which he performed it have earned for him my highest commendation. Since he was working under your direction I think you should know of this splendid performance.

None of this could have been accomplished had it not been for the sympathetic understanding and the realization of the need for some type of legislation dealing with this subject by you gentlemen in the first instance. So - I compliment you and all of those working under you.

Respectfully,

Arthur H. Breed, Jr.

ARTHUR H. BREED, JR.

EAST BAY TRANSIT DISTRICT ORGANIZATION COMMITTEE

OF THE ALAMEDA-CONTRA COSTA TRANSIT COMMITTEE

1320 WEBSTER STREET
OAKLAND 12, CALIF.

CHAIRMAN
CLAIR W. MACLEOD, *Piedmont*
Attorney

ALAMEDA COUNTY
EDGAR L. BUTTNER, *Oakland*
Pres., Scott-Buttner Electric Co.
IVAN L. JOHNSON, *Berkeley*
Pres., Pacific Steel Casting Co.
ORTON E. LUCAS, *Oakland*
General Manager, Hale's
ALAN P. MATTHEW, *Berkeley*
McCutchen, Thomas, Matthew, Griffiths & Greene, Attorneys
GORDON MINDER, *San Leandro*
Bruner & Minder, Attorneys
A. HUBBARD MOFFITT, JR., *Alameda*
Weinmann, Rode, Burnhill & Moffitt, Attorneys
ROBERT E. NISBET, *Oakland*
Deputy City Attorney
SHERWOOD SWAN, *Oakland*
Pres., Swan's
E. GUY WARREN, *Hayward*
Warren Transportation Co.

CONTRA COSTA COUNTY
L. C. KEATING, *El Cerrito*
Standard Oil Company of Calif.
EDWARD M. LARMER, *Walnut Creek*
Pres., Walnut Creek Hardware Co.
DANA MURDOCK, *Richmond, Martinez*
Tinning & DeLap, Attorneys
M. M. SNODGRASS, *Richmond*
M. M. Snodgrass & Associates
Public Relations
CHARLES J. WRIGHT, *Richmond*
Deputy District Attorney

August 28, 1956

Mr. Robert E. Nisbet
Deputy City Attorney
City Hall
Oakland, California

Dear Bob:

I wish to express my appreciation to you for your loyal service as a member of the Alameda-Contra Costa Transit District Organization Committee.

Through the efforts of our group of 15 members, we have achieved our goal of qualifying the Transit District Act for the ballot on November 6, 1956, and the Committee is therefore disbanded.

As a result of the action taken at the meeting of August 27, my report of our accomplishments will be made to the parent organization, the Alameda-Contra Costa Transit Committee under the dual chairmanship of Sherwood Swan and Charles J. Wright, which group will then carry on the functions of the campaign that lies ahead.

In closing, I solicit your continued interest in this vital subject and I urge you to volunteer your services to the citizens committee which will work on behalf of the transit district measure on the November 6 ballot.

Thank you again for your efforts.

Sincerely,

Clair

CLAIR W. MACLEOD
Chairman

CWM:ev

☐ SACRAMENTO OFFICE
STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814
(916) 445-8077

☐ DISTRICT OFFICE
540 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
(415) 557-0784

☐ DISTRICT OFFICE
107 SOUTH BROADWAY
SUITE 8009
LOS ANGELES, CA 90012
(213) 620-4356

Assembly
California Legislature

WILLIE LEWIS BROWN, JR.
SPEAKER OF THE ASSEMBLY

February 27, 1984

Mr. Robert E. Nisbet
General Manager
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
508 - 16th Street
Oakland, CA 94612

Dear Bob:

Please accept my best wishes in your retirement from your post as AC Transit General Manager. Your services with AC Transit was indeed exemplary and contributed greatly to the District's successes throughout the years.

Not too many individuals can claim to have nurtured a public agency from birth, through infancy, and into adulthood; but you clearly have captured that distinction.

I join with my Bay Area colleagues in wishing you happiness and continued success.

Sincerely,

Willie L. Brown Jr.

WILLIE LEWIS BROWN, JR.
SPEAKER OF THE ASSEMBLY

WLB:jgy

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Laura McCreery

Laura McCreery is a senior interviewer in UC Berkeley's Regional Oral History Office, where she manages projects on California government and politics, public policy, and higher education. Since 1996 she also has done private oral history consulting, project management, and workshops for such clients as Reed College, the Society of California Archivists, Prytanean Alumnae, Inc., the Berkeley Historical Society, and the Novato History Museum. She holds a B.A. in Speech Communication from San Diego State University and an M.S. in Mass Communications from San Jose State University.

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